



California Regulatory Notice Register

REGISTER 2006, NO. 32-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

AUGUST 11, 2006

PROPOSED ACTION ON REGULATIONS

TITLE 02. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z06-0731-01 1097

TITLE 02. STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998 — Notice File No. Z06-0801-09 1098

TITLE 03. DEPARTMENT OF FOOD AND AGRICULTURE

Gypsy Moth Eradication Area — Notice File No. Z06-0801-08 1100

TITLE 10. DEPARTMENT OF INSURANCE

Health Care Language Assistance Program — Notice File No. Z06-0801-03 1101

TITLE 10. DEPARTMENT OF INSURANCE

Life and Annuity Consumer Protection — Notice File No. Z06-0801-02 1106

TITLE 13. AIR RESOURCES BOARD

Heavy-Duty Diesel In-Use Compliance — Notice File No. Z06-0801-07 1109

TITLE 13. AIR RESOURCES BOARD

On-Board Diagnostic II — Notice File No. Z06-0801-05 1113

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Contingency Plans — Notice File No. Z06-0731-03 1118

TITLE 17. AIR RESOURCES BOARD

ATCM for Chrome Plating & Chromic Anodizing — Notice File No. Z06-0801-06 1121

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

CIRM Grants Administration Policy-Nonprofits — Notice File No. Z06-0801-04 1126

TITLE 18. BOARD OF EQUALIZATION

Petroleum Refining Properties — Notice File No. Z06-0801-01 1129

(Continued on next page)

***Time-
Dated
Material***

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

<i>Permit Exemption — Notice File No. Z06-0726-01</i>	1131
---	------

GENERAL PUBLIC INTEREST

EMERGENCY MEDICAL SERVICES AUTHORITY

<i>Extension of Public Comment Period and Hearing</i>	1133
---	------

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

<i>Health Advisory: Safe Eating Guidelines for Fish from the Lower Feather River (Butte, Yuba and Sutter Counties)</i>	1133
--	------

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

<i>Regarding Petitioner Innate Myron, Infinity, et al.</i>	1134
--	------

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

<i>Chemicals Known to the State to Cause Cancer or Reproductive Toxicity</i>	1135
--	------

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

<i>Chemical Listed Effective August 11, 2006, as Known to the State of California to Cause Cancer</i>	1145
---	------

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	1146
Sections Filed, March 01, 2006 to August 02, 2006	1151

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson-West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION/AMENDMENT

Contra Costa Water District

A written comment period has been established commencing on **August 11, 2006** and closing on **September 25, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **September 25, 2006**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.73.2, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend existing Regulation Section 1859.73.2 under the authority provided by Section 17070.35 of the Education Code. The proposal interprets and makes specific reference to Sections 17071.46 and 17074.56 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

Assembly Bill (AB) 801, Chapter 458, Statutes of 2000, established the new construction additional grant for school districts to demolish a single-story building and replace it with a multistory building(s) on the same site, in order to increase the pupil capacity at the site. The SFP regulations were amended to implement the additional grant and, thereafter, modifications were made to the SFP regulations to enact the provisions of AB 1631, Chapter 909, Statutes of 2003.

The State Allocation Board adopted proposed regulatory amendments at its May 24, 2006 meeting. The proposed amendments clarify the criteria for school districts to receive supplemental funding when replacing single-story buildings with multistory buildings for purposes of increasing classroom capacity, which helps avoid overcrowding, creates more open space for physical education activities, etc., and saves State funds by avoiding costs to purchase new school sites that would have otherwise been needed.

The following regulation section is amended:

Existing Regulation Section 1859.73.2 authorizes additional new construction funding to school districts when demolishing one-story school buildings for replacement with multistory building(s) in order to increase pupil capacity if a cost benefit test and other criteria are met. Currently, an applicant school district must increase the classroom capacity at a school site by constructing the *greater* of eight classrooms (8 x 25 = 200 pupils), or classrooms commensurate with 20 percent of the gross existing pupil capacity of the site. The proposed amendment clarifies that the eligibility criteria for housing an added 20 percent of existing pupil capacity at a school site shall be computed against the existing pupil capacity in *permanent single-story* facilities. This also includes replacement of portable classrooms included in a district's classroom capacity.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than September 25, 2006 at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young,
Regulation Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulation.

The modified regulation will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulation during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulation for which the adoption is proposed in ~~strikeout~~/underline.

2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.6, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Gypsy Moth Eradication Area as an emergency action that was effective on July 17, 2006. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than November 14, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested per-

son, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before September 25, 2006.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.6, subsection (a), was amended and established Los Angeles County as an eradication area for gypsy moth, *Lymantria dispar*. The effect of this action was to establish authority for the State to conduct eradication activities in Los Angeles County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.6 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.6 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3591.6, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3591.6, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 10. DEPARTMENT OF INSURANCE

DATE: August 1, 2006
File No. RH05047901

NOTICE OF PROPOSED REGULATORY ACTION REGARDING HEALTH CARE LANGUAGE ASSISTANCE PROGRAM

NATURE OF PROCEEDING

Pursuant to California Government Code section 11346 *et seq.*, Insurance Commissioner John Garamendi (Commissioner) proposes to commence a rulemaking proceeding to adopt Article 12.1 of Subchapter 3 of Chapter 5 of Title 10 of the California Code of Regulations regarding the *Health Care Language Assistance Program* with the Department of Insurance ("Department"). The Commissioner conducts this rulemaking proceeding to gather information and public comment concerning this proposed regulation.

AUTHORITY AND REFERENCE

The Commissioner proposes to adopt Article 12.1 pursuant to the authority of California Insurance Code (CIC) section 10133.8. The purpose of this regulation is to implement, interpret, and make specific the provisions of CIC sections 10133.8 and 10133.9.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

Date and time: September 26, 2006, at 9:00 a.m.—1:00 p.m.

Location: Employment Development
Department
750 N Street, Conference
Room A
Sacramento, CA 95814

The hearing will continue on the date noted above until all testimony has been submitted or 1:00 p.m., whichever is earlier.

REASONABLE ACCOMMODATION

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on the proposed regulations, may request assistance by contacting Elena Fishman, Staff Counsel, 300 Capitol Mall, 17th Floor, Sacramento, CA, 95814; telephone, 916-492-3507; fax, 916-324-1883. It is recommended that assistance be requested at least two weeks prior to the hearing.

PRESENTATION OF WRITTEN COMMENTS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on September 26, 2006. Please direct all written comments to the following contact person:

Elena Fishman, Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3507

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

George Teekell, Staff Counsel
California Department of Insurance
45 Fremont Street
San Francisco, CA 94105
Telephone: (415) 538-4390

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on September 26, 2006. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: **fishmane@insurance.ca.gov**. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Elena Fishman and sent to the following facsimile number: **(916) 324-1883**.

Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail/facsimile are subject to the deadline above for written comments.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAWS & REGULATIONS

Existing law provides for the regulation of health insurers by the Department of Insurance. Part 2 of the California Insurance Code, Life and Disability Insurance,

in addition to regulating life and disability insurance regulates the provision of health insurance by insurance companies to consumers. Several Chapters and Sections regulate various aspects of health insurance. Chapter 1—The Contract, regulates various aspects of the insurance contract. It is within this Chapter that Sections 10133.8 and 10133.9 (the statutes on which these regulations are based) are found. Other significant health insurance related statutes included in the Insurance Code are: Chapter 1.5—Health Coverage Contract Notifications; Chapter 4—Standard Provisions in Disability Policies; Chapter 7—Disability Insurance Disclosures; Chapter 8—Small Employer Health Insurance; and, Chapter 9.5—Individual Access to Contracts for Health Care Services.

SB 853 (Chapter 713, Statutes of 2003) requires the Department to adopt regulations establishing standards and requirements for health insurers to provide insureds with access to language assistance in obtaining health care services. Pursuant to the statute, the regulations require health insurers to implement a Language Assistance Program (Program) to assess insureds language and linguistic needs, provide interpretation services to insureds, translate vital documents into indicated/threshold languages, and report to the Department regarding internal policies and procedures related to cultural appropriateness. The statute requires the Department to consider specified factors and to seek public input. The Department is required to regularly review information regarding health insurer compliance and make recommendations for changes and to report certain information biennially to the Legislature.

EFFECT OF PROPOSED REGULATIONS

Insurance Code sections 10133.8 and 10133.9 require the Department of Insurance to develop and adopt regulations establishing standards and requirements for health insurers to provide insureds, free of charge, with appropriate access to language assistance (translated written documents and oral interpretation services) in obtaining covered benefits.

The proposed regulations will set out in specific detail the Language Assistance Program that health insurers are required to develop and implement for the provision of translation and interpretation services to limited English proficient insureds in accessing health care services. The proposed regulations will prescribe the manner in which health insurers shall develop and implement the Language Assistance Program including: deadlines for compliance; notices to insureds regarding language assistance services; the completion of the required needs assessment of the language preferences and linguistic needs of insured; specifics regarding the translation of vital documents; the establishment of in-

dividual access to interpretation services; health insurer monitoring, evaluation and reporting to the Department and Department of Insurance reporting to the Legislature.

SPECIFIC OBJECTIVES OF REGULATIONS

The proposed regulations are modeled after the Department of Managed Health Care's regulations mandated by the same legislation, SB 853 (Chapter 713, Statutes of 2003). The proposed regulations are in plain English except to the extent that technical terms could not be avoided. Any unavoidable technical terms are defined in plain English.

The proposed regulations establish the date by which every health insurer shall develop and implement a Language Assistance Program, describe the elements required to be included in the health insurers written policies and procedures for the Language Assistance Program, and define the training requirements for health insurers and contractors/providers of health care. The proposed regulations also define the type and contents of the notice that health insurers must provide to insureds describing the availability of language assistance services. These sections will provide details and clarity to health insurers regarding their responsibilities in establishing a Language Assistance Program. [Section 2538.3]

The proposed regulations explain to health insurers how to assess the linguistic needs and language preferences of their insureds, the types of survey methods the health insurer may utilize, and how often the needs assessment shall be updated. These sections will provide health insurers with specific elements required to be included in the assessment of linguistic needs of their insureds. [Section 2538.4]

The proposed regulations provide information about the requirements for translation of vital documents by health insurers, how to determine the indicated/threshold languages into which vital documents shall be translated, the documents that the health insurer does not have to translate, and the exception to this rule. The proposed regulations provide health insurers with a process for phase-in implementation of translation of vital documents to insureds. These sections will provide health insurers with detailed information about what documents are required to be translated and how to determine into which languages the documents must be translated. [Section 2538.5]

The proposed regulations describe health insurer's responsibility to provide individual access to oral interpretation services for limited English proficient insureds, the detailed methods for providing said services, and provide guidelines for the use of family, friends, and minors as interpreters. The proposed regulations also provide a process for the use of family or

friends as interpreters that must be followed by contractors/providers of health care. The proposed regulations provide guidelines for health insurers in establishing contractor compliance, quality assurance activities and financial responsibility for the costs of translation and interpretation services. These sections provide health insurers with detailed information regarding the provision of oral interpretation services to limited English proficient insureds. [Section 2538.6]

The proposed regulations inform health insurers as to their evaluation and monitoring responsibilities related to the implementation of their Language Assistance Program, and the requirements for contracts between health insurers and contractors/providers of health care.

These sections will provide health insurers with the specifics on monitoring the effectiveness of their Language Assistance Program and contracting with providers. [Section 2538.7]

The proposed regulations set forth the requirements for health insurer reporting to the Department and the fines and penalties for late reporting or non-compliance. The proposed regulations also establish the requirements for Departmental reporting to the Legislature on the Health Care Language Assistance Program of health insurers. These sections are necessary to inform health insurers of their duties and responsibilities related to reporting to the Department. [Section 2538.8]

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the health, safety and welfare of the people of the State that the regulations apply to businesses. The purpose of the proposed regulations is to set forth the specific details of how and when health insurers shall establish a language assistance program to provide translation and interpretation services to their limited English proficient insureds as they access health insurers contracted medical care. The proposed regulations are necessary to ensure compliance by health insurers with these requirements and ensure that health insurers monitor compliance with these regulations by health insurer contractors/health care providers.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

LOCAL MANDATES

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

FISCAL IMPACT

The Commissioner has determined that the proposed regulations will result in no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Commissioner has determined that the proposed regulations will result in no non-discretionary cost or savings to any local agencies and no cost or savings in federal funding to the State. The Commissioner has determined that the proposed regulations may result in costs or savings to a state agency.

EFFECT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY TO COMPETE

The Commissioner has made an initial determination that the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that will be affected by these regulations are health insurers and their contractors/health care providers. Health insurers are responsible for development of a Language Assistance Program. Many health insurers already are required by other laws to provide translation and interpretation services to insureds. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses; (2) Consolidation or simplification of compliance and reporting requirements for businesses; (3) The use of performance standards rather than prescriptive standards; (4) Exemption or partial exemption from the regulatory requirements for businesses.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the state. The Commissioner estimates that the proposed

regulations may create employment opportunities for individuals to provide translation and interpretation services to health insurance consumers; however, the number is negligible. Interested parties are invited to comment on this issue.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner has determined that for some health insurers there may be additional costs. The additional costs may include conducting the needs assessment of their insured population, developing the Language Assistance Program, monitoring and evaluating the Program and reporting to the Department of Insurance as required. However, for certain health insurers, the impact will be mitigated by the fact that they also sell HMO type health plans and are required to develop the identical Language Assistance Program under the Department of Managed Health Care regulations. In addition, some health insurers already have in place systems and procedures to handle language assistance needs of limited English proficient insured.

The Commissioner has also determined that for some health insurers there may be additional costs to provide the translating and interpreting services to insureds. For health insurers and contractors/providers of health care with on-site staff who speak the indicated/threshold languages, the costs will be negligible. The Commissioner has determined that there is no other impact the proposed regulations will have on private persons or business entities other than described above but invites interested parties to comment on the issue.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed regulations may affect small business, to the extent a contractor/health care provider may qualify as a small business. Pursuant to Government Code section 11342.610, subdivision (b), paragraph (2), health insurers are not small businesses.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective as and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the initial statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action is contained in the rulemaking file, which is available for inspection and copying at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

15-DAY CHANGES

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

FINAL STATEMENT OF REASONS

Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find, near the top of the leftmost column, the pull down menu under the heading "Quick Links." Select the "Legal Information" link. On the "Legal Information" page, click on the "Proposed Regulations" link. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

- To search, enter "RH05047901" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of a code section that the regulations implement (in this case,

“10133.8”) or search by keyword (“health insurer”, “language assistance”, “limited English proficient insureds”, “translation” and “interpretation” for example). Then, click on the “Submit” button to display links to the various filing documents.

- To browse, click on the “Browse All Regulations” button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the “Health Care Language Assistance Program” link, and click it. Links to the documents associated with these regulations will then be displayed.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner’s mailing list.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION

DATE: August 1, 2006
REGULATION FILE: RH05045983

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to amend the regulations described below after considering comments from the public. The Commissioner proposes add California Code of Regulations, Title 10, Chapter 5, Subchapter 9, Article 1, §§ 2698.23 to 2698.27 (the “Life and Annuity Consumer Protection Program” regulation).

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code section 10127.17. Insurance Code section 10127.17 also provides the authority for this rulemaking.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

**Date and time: September 27, 2006, at
9:00 a.m.—1:00 p.m.**

**Location: Employment Development
Department
751 N Street, Room Solar 3
Sacramento, CA 95814**

The hearing will continue on the date noted above until all testimony has been submitted or 1:00 p.m., whichever is earlier.

REASONABLE ACCOMMODATION

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on the proposed regulations, may request assistance by contacting Elena Fishman, Staff Counsel, 300 Capitol Mall, 17th Floor, Sacramento, CA, 95814; telephone, 916-492-3507; fax, 916-324-1883. It is recommended that assistance be requested at least two weeks prior to the hearing.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on **September 27, 2006**. Please direct all written comments to the following contact person:

Elena Fishman, Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3507

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

George Teekell, Staff Counsel
California Department of Insurance
45 Fremont Street
San Francisco, CA 94105
Telephone: (415) 538-4390

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on **September 27, 2006**. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY
E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: fishmane@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Elena Fishman and sent to the following facsimile number: **(916) 324-1883. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

INFORMATIVE DIGEST

Summary of Existing Law and Policy Statement Overview

Existing law generally regulates the sale and marketing of life insurance and annuities. Existing law requires the Insurance Commissioner to collect certain fees and assessments from insurers for regulatory purposes.

These regulations are a result of AB 2316 (Chapter 835, Statutes of 2004) which created the Life and Annuity Consumer Protection Fund which is funded from a \$1 fee levied against insurers based upon each individual life insurance and annuity product worth \$15,000 or more issued to a resident of this state. The funds are dedicated to protecting consumers of insurance products and shall be distributed 50% to the department for consumer protection functions related to individual life insurance and annuity products, and 50% to district attorneys for investigation and prosecution of individual life insurance and annuity product financial abuse cases involving licensees and for other projects beneficial to insurance consumers. These provisions shall remain in effect until January 1, 2010.

The proposed regulations are modeled after the Department's fraud prevention grant program regulations which provide funds to District Attorneys for a variety of fraud prevention activities. The purpose of the proposed regulations is to set forth the specific details of how and when the fee assessment will be conducted for life insurers and the procedures and requirements for the grant program to district attorneys. The proposed regulations are necessary to provide a regulatory framework to assess and ensure the payment by life insurers of the appropriate fee as well as the quality of the district attorney programs funded by grants under this statute.

Effect of Proposed Action

The proposed regulations define the Life and Annuity Consumer Protection Program that will provide additional resources to bolster the ability of both District At-

torneys and Department of Insurance investigators to actively and aggressively investigate and prosecute cases of life insurance and annuity financial abuse which have increased dramatically over the past few years.

The proposed regulations identify the specific type of policies subject to the fee assessment, the beginning date of the assessment, how frequently the assessment will be made, the methodology used by the Department to conduct the assessment, timelines for completing the assessment and information about late fees. The proposed regulations also define how an annuity shall be valued for purposes of this statutory fee assessment. The proposed regulations establish the amount of funds available for the Department and the amount of funds available for distribution to district attorneys through grants as well as describing the authorized uses of said funds. These sections will provide details and clarity to insurers regarding how and when to assess the fee and to District Attorneys in applying for grants through the Program.

The proposed regulations notify and inform District Attorneys of the specific criteria that will be used by the Department to evaluate grant applications as well as describe in detail the required contents of an application for funding. The proposed regulations also provide notice to District Attorney grantees of the reporting requirements and due dates for grants. The proposed regulations inform the grantees of the special process to be followed for multi-year grants or grant renewal.

The proposed regulations provide information about the services the Commissioner may provide to the grantee; how the Commissioner will monitor performance under the grant and how unsatisfactory performance by the grantee will be handled; how unused funds will be reallocated; the Commissioner's right to review, reproduce, monitor and audit the records of the grantee; the grantees duties regarding records management and retention; the Commissioner's rights and the grantee's responsibilities regarding auditing the grant; and, the cause for termination of the grant by the Commissioner or the grantee as well as applicable timelines. These sections will provide grantees with detailed information in advance about how various aspects of the grant will be handled by the Commissioner.

**MANDATES ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE/LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. As described above, certain insurers will for the first time be required to count the number of new life insurance policies and annuity contracts valued over \$15,000 written during a certain time period. They will also be required to perform an on-line self-assessment and submit payment to the Department of the appropriate amount. The types of businesses that may be affected are life insurers. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses,
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner has determined that for certain insurance companies (life insurers) that are exempt under current regulations, and as such are not required to perform a count of the new life and annuity policies valued over \$15,000 issued during a time period or conduct an on-line self-assessment and submit payment to the Department as required, there may be an additional cost

impact. The additional costs may include identifying the number of life and annuity policies sold with a value of over \$15,000, conducting the on-line self assessment and submitting the required fee to the Department.

However, for many life insurance companies, the impact has already been mitigated by the fact that they are required to annually report life insurance and annuity sales to the National Association of Insurance Commissioners (NAIC) and many life insurers have developed systems and procedures to handle fee assessments required by prior legislation. The Commissioner is not aware of any costs that the proposed regulations will have on private persons or business entities other than described above but invites interested parties to comment on the issue.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on the issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective as and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed regulations will not affect small business. Pursuant to

Government Code section 11342.610, subdivision (b), paragraph (2), insurers are not small businesses.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find, near the top of the leftmost column, the pull down menu under the heading "Quick Links." Select the "Legal Information" link. On the "Legal Information" page, click on the "Proposed Regulations" link. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

- To search, enter "RH05045983" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California

Insurance Code section number of a code section that the regulations implement (for instance, "10127.17") or search by keyword ("life", "annuity", "consumer protection" for example). Then, click on the "Submit" button to display links to the various filing documents.

- To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Life and Annuity Consumer Protection Program Regulations" link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF CALIFORNIA'S HEAVY-DUTY DIESEL IN-USE COMPLIANCE REGULATION

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to California's heavy-duty diesel engine (HDDE) regulations and test procedures. The proposed amendments would create an in-use compliance program for HDDEs conducted by the engine manufacturers. The proposed program is essentially identical to that of the United States Environmental Protection Agency (U.S. EPA).

DATE: September 28, 2006

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., September 28, 2006, and may continue at 8:30 a.m., September 29, 2006. This item may not be considered until September 29, 2006. Please consult the agenda for the

meeting, which will be available at least 10 days before September 28, 2006, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at 916-323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at 916-323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 13, California Code of Regulations (CCR), sections 1956.1 and 1956.8, and the following documents incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as last amended July 24, 2003, and "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles," as last amended December 12, 2002.

Background: Health and Safety Code section 43104 directs ARB to adopt test procedures to ensure compliance with emission standards for new heavy-duty motor vehicles. Test procedures for in-use compliance of emission standards are contained in title 13, California Code of Regulations, sections 2111-2140. According to these procedures, for HDDEs, a minimum of ten engines must be emission-tested on a stationary engine dynamometer, and the emission results are then compared to the applicable emission standards to determine compliance. Conducting in-use testing with a stationary engine dynamometer is both time-consuming and expensive because it requires that engines be removed from the vehicles to be tested and then reinstalled once testing has been completed. As a result, ARB has not utilized these test procedures to conduct compliance testing for HDDEs. The proposed amendments would streamline in-use compliance testing of HDDEs in California by making California's testing requirements consistent with more flexible federal requirements.

In the 1990s, seven of the largest engine manufacturers were alleged to have violated state and federal emissions laws by disabling emission control devices on HDDEs during in-use, on-highway driving. These cases were resolved through enforcement actions which were concluded when settlement agreements were reached with the manufacturers in question. To en-

sure that exhaust emissions were controlled under virtually all driving conditions, most of the settling manufacturers were required to produce engines that comply with supplemental certification test procedures known as the Not-To-Exceed (NTE) test and the EURO III European Stationary Cycle (ESC) test. However, these supplemental test procedure requirements imposed by the settlement agreements expired on January 1, 2005. To ensure that HDDEs continued to be certified to the supplemental procedures, in December 2000, ARB adopted the NTE and ESC tests as part of the HDDE regulations, applicable to all 2005 and subsequent model year engines.

The NTE test procedure allows testing on an engine dynamometer, a chassis dynamometer in laboratory conditions, or with on-board portable emission measurement systems (PEMS) during on-road operation. This means that engines certified to the NTE requirements can be tested in-use and in the vehicle using PEMS, avoiding the high costs associated with engine removal and dynamometer testing.

Beginning in 2001, ARB staff started working collaboratively with U.S.EPA and engine manufacturers to develop an in-use testing and compliance program based on performing the NTE test with PEMS. In May 2003, the general structure of such a program was developed and agreed-upon by all parties. Based upon this collaborative work, in June 2005, the U.S. EPA adopted a manufacturer-run in-use testing program, which all manufacturers of HDDEs sold elsewhere in the United States must comply with. The proposed amendments would make California requirements consistent with the federal requirements in this area.

Proposed Action: The proposed amendments would implement a manufacturer-run in-use compliance program for HDDEs. In this proposed program, PEMS would be utilized to conduct on-road, in-use emission testing of heavy-duty diesel vehicles. Emission results from PEMS would be used to determine compliance with the NTE emission limits within the engines' useful lives. The proposed program would start in 2007 for gaseous emissions and in 2008 for particulate matter emissions. In order to be familiarized with in-use testing of HDDEs with PEMS and NTE data collection, engine manufacturers initiated a pilot HDDE testing program which began in 2005 and will continue until the start of the enforceable compliance program, if it is adopted by the Board.

Under the proposed amendments, each year, ARB and U.S. EPA would jointly designate up to 25 percent of a manufacturer's total number of HDDE families for testing. The engine families selected for testing could include any 2007 and later model year medium-duty diesel engine and HDDE used in vehicles with gross vehicle weight ratings above 8,500 pounds. Manufactur-

ers would screen, procure and test vehicles that use the designated engines. The vehicles would be tested under real-world driving conditions, within the engines' useful lives. ARB personnel would have the right to be present during PEMS installation and on-road testing. Pollutants that would be measured to determine compliance are: oxides of nitrogen, particulate matter, non-methane hydrocarbon, and carbon monoxide.

The proposed test program would have two phases. The first phase of testing, Phase 1, is intended to screen a designated engine family for conformity with the applicable NTE emission limits. Under Phase 1, the manufacturer would test a minimum of 5 and a maximum of 10 vehicles per engine family during normal over-the-road vehicle operation. If the engine family does not pass the Phase 1 requirements, then Phase 2 testing may be required. In Phase 2, ten additional vehicles are tested under more narrowly-defined test conditions to specifically target non-complying operating conditions. Failure of the Phase 1 or Phase 2 requirements may result in ARB requiring some form of remedial action. In determining whether to pursue remedial action following Phase 1 or Phase 2 testing, ARB would consider other test data obtained separately by staff or submitted by the manufacturer.

Since the proposed NTE testing would be conducted on-road instead of in an environmentally-controlled laboratory as manufacturers must do to obtain certification of new motor vehicle engine families to ARB's emission standards, an "accuracy margin" is proposed to be incorporated in the NTE testing to account for potential differences in emission measurements between the laboratory equipment and PEMS. In 2005, a Memorandum of Agreement was signed between ARB, U.S. EPA, and the engine manufacturers to establish a test program for determining measurement accuracy margins to be used in the proposed amendments. The test program is currently on-going. In the meantime, the proposed amendments contain interim accuracy margins that have been agreed upon by the same parties. Once the final accuracy margins are determined, they will be presented to the Board for adoption in a subsequent rulemaking.

COMPARABLE FEDERAL REGULATIONS

On June 14, 2005, U.S. EPA adopted a manufacturer-run in-use testing and compliance program. The details of the federal program were based on the collaborative efforts between ARB, U.S. EPA, and the engine manufacturers. The proposed amendments are essentially identical to the U.S. EPA's program.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal. The report is entitled: "Staff Report: Initial Statement of Reasons for the Proposed Rulemaking — Public Hearing to Adopt California's Heavy-Duty Diesel In-Use Compliance Regulation."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on September 28, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons: Mr. Stephan Lemieux, Manager, On-Road Heavy Duty Diesel Section, at (626) 450-6162 or slemieux@arb.ca.gov, or Mr. Dipak Bishnu, Air Resources Engineer, On-Road Heavy Duty Diesel Section, at (626) 575-6696 or dbishnu@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/inuse06/inuse06.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies. The proposed amendments affect manufacturers of HDDEs, not state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendment would make California requirements for in-use testing of HDDEs consistent with federal requirements. Inasmuch as the proposed amendments could be said to have economic impacts, these impacts are expected to be slight and absorbable by the manufacturers of HDDEs. Any impacts on the manufacturers of PEMs are expected to be positive.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. Any cost impacts are expected to be slight and absorbable by the businesses affected. The amendments would apply to all manufacturers of HDDEs and make California requirements consistent with federal law. None of the manufacturers of HDDEs is located in California. There may be a slight positive economic impact on the manufacturer of PEMs that is located in California.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. Any impact on businesses in California is expected to be slight and positive. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses. There will be no incremental costs associated with staffs proposal in addition to those already needed to comply with the fed-

eral regulation. Any impact on businesses in California is expected to be slight and positive.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the board or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the Hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, September 27, 2006**, and addressed to the following:

Postal mail: Clerk of the Board, Air
Resources Board
1001 I Street,
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43013, 43018, 43100, 43101, 43104, 43105, and 43806; and Vehicle Code section 28114. This action is proposed to implement, interpret and make specific Health and Safety Code sections 39002, 39003, 39500, 43000, 43013, 43018, 43100, 43101, 43102, 43104, 43106, 43202, 43204, 43206, 43210, 43211, 43212, 43213, and 43806; and Vehicle Code section 28114.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER TECHNICAL STATUS AND PROPOSED REVISIONS TO MALFUNCTION AND DIAGNOSTIC SYSTEM REQUIREMENTS AND ASSOCIATED ENFORCEMENT PROVISIONS FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES AND ENGINES (OBD II) AND EMISSION WARRANTY REGULATIONS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to review the technical status and implementation of California's OBD II requirements. The Board will consider amendments to the OBD II regulation to update the diesel monitoring requirements to be more consistent with the newly-adopted heavy-duty on-board diagnostic (HD OBD) regulation, to improve incorporation of OBD II into Inspection and Maintenance (I/M) programs, to clarify and improve the regulation where necessary, and to make clarifications to the OBD II enforcement provisions, among other things. The Board will also consider amendments to the emission warranty regulations to update the references to emission-related parts that are presently used in emission control technology and to simplify the requirements where possible.

DATE: September 28, 2006

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., September 28, 2006, and may continue at 8:30 a.m., September 29, 2006. This item might not be considered until September 29, 2006. Please consult the agenda for the meeting, which will be available at least ten days before September 28, 2006, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of amendments to title 13, California Code of Regulations (CCR) sections 1968.2 and 1968.5, which establish OBD II requirements and enforcement provisions for 2004 and subsequent model-year passenger cars, light-duty trucks, and medium-duty vehicles and engines; proposed adoption of amendments to title 13, CCR sections 2035, 2037, and 2038, which establish emission control system warranty requirements for 1990 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles and engines.

Documents Incorporated by Reference:

ISO 15765-4:2005 "Road Vehicles—Diagnostics on Controller Area Network (CAN) — Part 4: Requirements for emission-related systems."

SAE J1939 March 2005 — "Recommended Practice for a Serial Control and Communications Vehicle Network" and the associated subparts included in SAE HS-1939, "Truck and Bus Control and Communications Network Standards Manual," 2005 Edition.

SAE J1699-3 — "OBD II Compliance Test Cases," May 2006.

SAE J2534 — "Recommended Practice for Pass-Thru Vehicle Programming," April 2004.

Background: The Board originally adopted title 13, CCR section 1968.1 on September 12, 1989, requiring

manufacturers to implement OBD II systems on new motor vehicles. The regulation, which was first implemented beginning with the 1994 model year, required that essentially all 1996 and later model year passenger cars, light-duty trucks, and medium-duty vehicles and engines be equipped with OBD II systems. The regulation specifically required monitoring of engine misfire, catalysts, oxygen sensors, evaporative systems, exhaust gas recirculation (EGR), secondary air systems, fuel systems, and all electronic powertrain components that can affect emissions when malfunctioning. The regulation also required OBD II systems to provide specific diagnostic information in a standardized format through a standardized serial data link on-board the vehicles. Pursuant to section 209(b) of the federal Clean Air Act (CAA), ARB obtained a preemption waiver from the U.S. Environmental Protection Agency (U.S. EPA) in October 1996 for the OBD II regulation.

Subsequently, ARB updated the OBD II requirements in 2002 with the adoption of section 1968.2, title 13, CCR, which established OBD II requirements and enforcement requirements for 2004 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles and engines. Section 1968.2 essentially updated the requirements of section 1968.1 by improving and clarifying the monitoring requirements where needed, adding new monitoring requirements, improving the availability of service information, addressing issues associated with the implementation of OBD II into I/M programs, and adding testing requirements to ensure compliance with the OBD II regulation. Concurrently, ARB also adopted section 1968.5, title 13, CCR, which established OBD II enforcement provisions for 2004 and subsequent model year vehicles, including provisions that set up specific criteria that identify vehicles with OBD II-related problems that are subject to remedial orders by ARB. A waiver request regarding the 2002 amendments is presently pending before U.S. EPA.

In 1979, pursuant to Health and Safety Code section 43205, ARB adopted sections 2035–2041, title 13, CCR, which contain the warranty requirements for passenger cars, light-duty trucks, and medium-duty vehicles. The regulations established requirements for manufacturers to warrant emission-related parts for both defects and performance for a period of three years and 50,000 miles. Additionally, under the regulation, a subset of “high-cost” emission-related parts was eligible to be warranted for seven years and 70,000 miles if they met specific inflation-adjusted cost numbers. ARB subsequently amended the regulation in 1990, and made minor changes regarding the timing of submittal of information required under these sections in 1999.

Staff Proposal: In 2002, the Board directed the staff to continue to follow manufacturers’ progress towards meeting the OBD II requirements and to report back should modifications to the requirements be deemed appropriate. Since then, the staff has identified areas in which modifications to section 1968.2 would provide for improved monitoring system performance. The majority of the proposed modifications are related to the monitoring requirements for diesel vehicles. The staff proposes updating the diesel monitoring requirements to make them more consistent with the monitoring requirements of the HD OBD regulation (title 13, CCR section 1971.1) that was recently adopted in 2005. Specifically, to alleviate manufacturers’ concerns about meeting the proposed malfunction emission thresholds, the proposal would amend the regulation to phase-in the final, more stringent malfunction thresholds at which the manufacturers must illuminate the malfunction indicator light and would not require general compliance with final thresholds until the 2013 model year.

For 2007 through 2012 model year light-duty diesel vehicles certified to the higher interim malfunction emission thresholds, the proposal would include an additional step to help protect against possible increased emissions from the higher thresholds and to help ensure that these vehicles are indeed performing as designed. Specifically, the proposal would require manufacturers of these vehicles to perform emission testing on actual production vehicles to verify their compliance with the emission standard. Having the manufacturers perform this testing on all diesel vehicle models (which would be equivalent to the in-use tailpipe compliance testing done by ARB on a limited number of vehicle models each year) would provide some assurance that the vehicles, as a whole, do not have a design defect that causes them to fail to meet the base emission standards.

Among the other amendments being proposed to the OBD II regulation are:

- Adding additional requirements for the storage and erasure of permanent fault codes.
- Allowing manufacturers to use 0.100 as the minimum in-use performance ratio for determining acceptable OBD II monitoring frequency for the first three years that a vehicle model is certified instead of just the first two years.
- Allowing manufacturers to continue to use a malfunction threshold of “3.5 times the NOx standards” for gasoline catalysts for two additional years, through the 2008 model year.

- Requiring manufacturers to detect failures caused by an air–fuel ratio cylinder imbalance under the gasoline fuel system monitoring requirements.
- Revising the gasoline primary and secondary oxygen sensor monitoring requirements to clarify and detail the minimum acceptable amount of monitoring that OBD II systems must perform.
- Revising the comprehensive component monitoring requirements to provide more guidance to manufactures related to monitoring components on hybrid vehicles.
- Adding additional parameters that manufacturers must include in the data stream for gasoline and diesel vehicles.
- Requiring manufacturers to provide additional engine run time tracking requirements for medium–duty diesel vehicles.
- Deleting the service information requirements.
- Extending the deadline under the production vehicle evaluation testing requirements for reporting of in–use monitoring performance data from six months to twelve months after start of normal production.

The staff is also proposing amendments to section 1968.5 to align the enforcement provisions, as necessary, with the proposed changes to section 1968.2. Additionally, the staff is proposing the Board delete reference to the “procedures of the California I/M program” from the mandatory recall provisions related to I/M testing and instead list the specific criteria of OBD II noncompliances related to conducting Smog Check inspections that would result in mandatory recall. The staff is also proposing more appropriate in–use thresholds (i.e., thresholds at which a vehicle would be found to have a nonconforming OBD II system and would be subject to possible enforcement action) for OBD II emission testing of diesel vehicles certified to the higher interim malfunction thresholds required for the 2007 through 2012 model years.

Additionally, the staff is proposing amendments to the ARB emission warranty regulations (specifically title 13, CCR, sections 2035, 2037 and 2038) to update the references to emission–related parts used with current emission control technology and to simplify the requirements where possible. Specifically, the proposed amendments would eliminate the outdated (last updated in 1985) emission–related parts list used today to identify components eligible for the high–cost warranty and instead require high cost warranty coverage for any component that is subject to warranty for 3 years and 50,000 miles and meets the inflation–adjusted cost limit.

Comparable Federal Regulations: In February 1993, U.S. EPA promulgated final on–board diagnostic

requirements for federally certified vehicles. (40 CFR Part 86, sections 86.094–2, 86.094–17, 86.094–18(a), 86.094–21(h), 86.094–25(d), 86.094–30(f), 86.094–35(l), 86.095–30(f), 86.095–35(l); see 58 Fed.Reg. 9468–9488 (February 19, 1993).) The requirements were last modified with a final rule signed on November 29, 2005 and published December 20, 2005 (70 Fed.Reg. 75403). A central part of the federal regulation is that, for purposes of federal certification of vehicles, U.S. EPA will deem California–certified OBD II systems to comply with the federal regulations. On October 3, 1996, U.S. EPA formally granted California’s request for a waiver regarding the OBD II regulation, as last amended in December 1994¹, recognizing that the OBD II regulation is at least as stringent in protecting public health and welfare as the federal regulation, and that unique circumstances exist in California necessitating the need for the state’s own motor vehicle regulations program.

The federal OBD requirements are comparable in concept and purpose with California’s OBD II regulation; however, differences exist with respect to the scope and stringency of the requirements of the two regulations. More specifically, California’s current OBD II regulations are generally more stringent than the comparable federal requirements. Under the OBD II requirements, manufacturers must implement monitoring strategies for essentially all emission control systems and emission–related components. Generally, the OBD II regulation requires that components be monitored to indicate malfunctions when component deterioration or failure causes emissions to exceed 1.5 times the applicable tailpipe emission standards of the certified vehicle. The regulation also requires that components be monitored for functional performance even if the failure of such components does not cause emissions to exceed the 1.5 times the standards threshold. The federal requirements, in contrast, require monitoring only of the catalyst, engine misfire, evaporative emission control system, and oxygen sensors. Other emission control systems or components, such as exhaust gas recirculation and secondary air systems, need only be monitored if by malfunctioning, vehicle emissions exceed 1.5 times the applicable tailpipe standards. No functional monitoring is required. This also applies to after–treatment devices on diesel applications, such as catalyst systems and particulate matter traps.

In Health and Safety Code sections 43013, 43018, and 43101, the Legislature has expressly directed ARB to adopt emission standards for new motor vehicles that are necessary and technologically feasible and to en-

¹ *California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Decision*, dated October 3, 1996, 61 Fed.Reg. 53371–53372.

deavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of the state standards at the earliest practicable date. ARB initially adopted and is proposing to amend the OBD II regulation to meet those legislative directives.

Regarding emission warranties, the federal emission warranty requirements (section 207 of the Federal CCA) are comparable in concept but with significant differences in actual warranty coverage. California's current emission warranty provisions, pursuant to Health and Safety Code section 43205, provide coverage of all emission-related parts for three years and 50,000 miles while the federal emission warranty provides similar coverage only for two years and 24,000 miles. Additionally, California's emission warranty provisions cover specific "high-cost" emission parts for a longer warranty period of seven years and 70,000 miles with the "high-cost" determination based on exceeding an annually CPI-adjusted repair cost limit. Federal warranty provisions, on the other hand, mandate coverage only for the catalyst and the vehicle on-board computer for eight years and 80,000 miles, regardless of the repair cost for either of those items or any other emission related part. While the federal warranty provision does provide for longer coverage on the catalyst and the on-board computer, it does not provide the same level of consumer protection for other high-cost emission parts as the California provisions for seven years and 70,000 miles. Further, the three years and 50,000 miles California warranty provides additional coverage for all emission-related parts beyond the federal two years and 24,000 miles (or the typical vehicle manufacturer "bumper-to-bumper" warranty of three years and 36,000 miles). When taken in total, the California emission warranty provisions are more stringent than the federal requirements given they provide additional coverage for all parts and many high-cost parts.

The differing ARB warranty provisions have been adopted pursuant to the express dictates of Health and Safety Code section 43205. Both the costs amendments to the OBD and warranty regulation are justified by the benefit to human health, public health and safety, and environment.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action that includes a summary of the environmental and economic impacts of the proposal. The report is entitled: Technical Status and Revisions to Malfunction

and Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II) and the Emission Warranty Regulations.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (September 28, 2006).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's website listed below.

Inquiries concerning the substance of the proposed regulation should be directed to the agency contact persons for this rulemaking: Mike Regenfuß, Staff Air Pollution Specialist, at (626) 575-7004 or email (mregenfu@arb.ca.gov), or Mike McCarthy, Manager, Advanced Engineering Section, Mobile Source Control Division, at (626) 575-6615 or email (mmccarth@arb.ca.gov).

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the agency contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls outside the Sacramento area.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at: <http://www.arb.ca.gov/regact/obdii06/obdii06.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments are presented below.

Pursuant to Government Code section 11346.5(a)(5), the Executive Officer has determined that the proposed amendments will not impose a mandate on local agencies or school districts. The Executive Officer has further determined pursuant to Government Code section 11346.5(a)(6) that the proposed regulatory action will result in some additional costs to the ARB and will create negligible costs to all other state agencies that purchase diesel vehicles. In addition, the Executive Officer has determined that the proposed regulatory action will not create costs or savings in federal funding to the state, will not create costs or savings to local agencies or school districts that is required to be reimbursed under Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, and will not result in other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons and businesses, and has determined that any business or individual purchasing a diesel vehicle equipped with an OBD II system would incur additional costs as a result of this regulation. Specifically, retail costs for new medium-duty diesel vehicles equipped with an OBD II system are expected to increase by \$153 per vehicle (an increase of approximately 0.4% of the retail cost of the vehicle), while retail costs for new light-duty diesel vehicles equipped with an OBD II system are expected to increase by \$140 per vehicle. Further, because OBD II systems are expected to detect emission-system and component malfunctions that would not otherwise be detected, the regulation would be expected to result in owners and operators potentially incurring additional emission-related repairs. However, the increase in repairs from having more components on the vehicle that are subject to OBD II monitoring would be offset by expected increases in component durability as vehicle manufacturers produce more durable vehicles to avoid warranty expense or consumer dissatisfaction. It is expected that these repairs would result in average costs of approximately \$22 per diesel vehicle, per year over the 20 year life of the vehicle (all vehicles are expected to incur, on average, 0.6 additional repairs over the first 20 years of operation at an average repair cost of \$444).

The Executive Officer has made an initial determination, pursuant to Government Code section 11346.5(a)(8), that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. Support for this determination is set forth in the ISOR. Additionally, in accordance with Government Code section 11346.3, the Executive Officer has deter-

mined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

For manufacturers of light- and medium-duty gasoline vehicles, the costs to comply with the proposed regulatory action are expected to be negligible. The proposed revisions consist primarily of modifications to existing computer software. Incorporation and verification of the revised OBD II software would be accomplished during the regular design proves at no additional cost. As a result, costs to manufacturers, and therefore consumers, are anticipated to remain virtually unchanged.

For manufacturers of light-duty and medium-duty diesel vehicles, the costs to comply with the proposed regulatory action are expected to be less than the \$140 and \$153 retail price increases that were calculated for implementation of the requirements. Manufacturers would incur these costs in the form of additional hardware and software installed in the engine and the testing and development costs to implement the requirements. The Executive Officer anticipates that manufacturers would recoup these costs through the anticipated \$140 and \$153 retail price increase on each vehicle they sell.

Of the 34 domestic and foreign corporations that manufacturer California-certified passenger cars, light-duty trucks, and medium-duty gasoline and diesel vehicles equipped with OBD II systems, only one motor vehicle manufacturing plant, the New United Motor Manufacturing, Inc. (NUMMI), a joint venture between Toyota Motor Corporation and General Motors Corporation, is located in California. As stated, the costs associated with the amendments principally involve research and development costs and do not affect assembly line production. Additionally, all manufacturers that produce diesel vehicles should experience similar, if not identical costs. Thus, the NUMMI facility, which does not produce diesel vehicles, should not be at either an advantage or disadvantage in relation to out-of-state car manufacturing facilities and should not experience an increase or decrease in the number of jobs at the facility.

In developing this regulatory proposal, ARB staff has found that the proposal would impose no significant adverse economic impact on private persons and businesses as consumers. The \$153 cost increase, for example, represents less than a 0.4% increase in the retail price of a medium-duty diesel vehicle, and the \$22 per vehicle per year in increased maintenance costs is negligible. Accordingly, the Executive Officer has determined that there will be no, or negligible, potential cost

impact on representative private persons or businesses as a result of the proposed regulatory action.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will have no significant adverse effect on small businesses because the regulation primarily affects vehicle manufacturers, none of which are small businesses. Further, small businesses which service or repair vehicles should not see any increased cost in equipment or tools or any reduction in the number of vehicles needing repair as a result of these amendments. Small businesses that own or operate vehicles would incur the same costs as individuals or other businesses in an increase in vehicle maintenance costs of \$22 per vehicle per year for any 2007 model year or newer medium-duty diesel vehicle purchased.

The amendments to the regulation do not impose any additional reporting requirements of manufacturers. In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has previously found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has been otherwise identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be received by no later than 12:00 noon, **September 28, 2006** and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "T" Street, 23rd Floor
Sacramento, California 95814

Electronic submittal : <http://www.arb.ca.gov/lispub/comm/bclist.php> and received at the ARB no later than 12:00 noon, **September 28, 2006**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than 12:00 noon, **September 28, 2006**.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 43000.5, 43013, 43016, 43018, 43100, 43101, 43104, 43105, 43105.5, 43106, 43154, 43205, 43211, and 43212 of the Health and Safety Code. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39010-39060, 39515, 39600-39601, 43000, 43000.5, 43004, 43006, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43150-43156, 43204, 43205, 43211, and 43212 of the Health and Safety Code.

HEARING PROCEDURES AND AVAILABILITY OF MODIFIED TEXT

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 "T" Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 790 and

815 through 827.02 in Subdivision 4, Title 14 of the California Code of Regulations (CCR). These sections pertain to oil spill contingency plan requirements.

PUBLIC HEARING

Two public hearings have been scheduled at which any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearings will continue until all testimony is completed, and they will be held as follows:

September 26, 2006
Bay Model Visitor's Center
2100 Bridgeway
Sausalito, California
10:00 a.m.

September 28, 2006
Port of Long Beach
Administration Building
925 Harbor Plaza
6th Floor Board Room
Long Beach, California
10:00 a.m.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on September 28, 2006, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or

oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.28 grants the Administrator the authority to adopt regulations and guidelines for oil spill contingency plans. These regulations implement, interpret and make specific Government Code Sections 8670.28 through 8670.31.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990) (Act), created a comprehensive state oil spill program for California's marine waters. Among its many provisions, it required the adoption of regulations requiring oil spill contingency plans and establishing financial responsibility requirements for tank vessels, nontank vessels, and marine facilities.

Following the enactment of the above-cited legislation, and the establishment of the Office of Spill Prevention and Response (OSPR), regulations governing oil spill contingency plans and financial responsibility were adopted. These sections establish clear and consistent guidelines to those parties either affected by their adoption or charged with their enforcement. These regulations were necessary to implement, interpret and make specific Government Code Sections 8670.28 through 8670.31.

These plans are to be used in the response effort that would be necessary in the event of a discharge of oil into the marine waters of the state. The Act authorizes the Administrator to require that all necessary prevention measures are taken, and that sufficient response capability is available. Additionally, the Administrator is required to establish regulations and guidelines that provide for the best achievable protection of the coastal and marine resources, and ensure that all areas of the coast are protected by prevention, response, containment and cleanup equipment and operations.

The proposed amendments to the regulations are needed to implement a new approach in determining the required shoreline protection resources. The sites projected to be impacted are listed in Shoreline Protection Tables (SP Tables) by the hour of impact. These SP Tables show the sites to be protected, the hour by which they should be protected, and the response resources required to provide initial protection. This approach and the resultant SP Tables provide a standard for BAP for shoreline protection.

Amendments of a clarifying or consolidating nature have also been included. Grammatical/technical

changes have also been made throughout the subdivision, which have no regulatory effect, and include updates to the authority and reference citations throughout this subchapter to reflect the provisions of AB 715 (Chapter 748, Statutes of 2001) which reorganized the Act.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

These amendments give a comparable option to current practices of re-testing bollard pull, and will not result in significant additional costs to private persons or directly affected businesses. The OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant state-

wide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

**[www.dfg.ca.gov/ospr/organizational/legal/
regulations/regulations.htm](http://www.dfg.ca.gov/ospr/organizational/legal/regulations/regulations.htm)**

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Chris Klumpp ((916) 322-1195).

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE HEXAVALENT CHROMIUM AIRBORNE TOXIC CONTROL MEASURE FOR CHROME PLATING AND CHROMIC ACID ANODIZING OPERATIONS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adopting amendments to the existing Hexavalent Chromium Airborne Toxic Control Measure (ATCM) for Chrome Plating and Chromic Acid Anodizing Operations (Chromium Plating ATCM). The amendments are proposed to further reduce the public's exposure to hexavalent chromium by reducing hexavalent chromium emissions.

DATE: September 28, 2006

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m. on September 28, 2006, and may continue to 8:30 a.m., September 29, 2006. Please consult the agenda for the meeting, which will be available at least ten days before September 28, 2006, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette, or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to section 93102, title 17, California Code of Regulations (CCR), and proposed adoption of new sections 93102.1 to 93102.16, title 17, CCR.

Background: In 1986, the Board identified hexavalent chromium as a Toxic Air Contaminant (TAC). Hexavalent chromium was determined to be an extremely

potent human carcinogen with no known safe level of exposure. It was found that exposure over a lifetime to very low ambient hexavalent chromium concentrations could very substantially increase a person's chance of developing cancer from the hexavalent chromium emissions. Subsequent to that finding and to control hexavalent chromium emissions, the Board adopted the Chromium Plating ATCM (title 17, CCR, section 93102). The regulation set forth the requirements for reducing hexavalent chromium emissions based on the type of operation. Most hard chromium plating facilities were required to reduce hexavalent chromium emissions by 99 percent or more. This was achieved through installation of add-on air pollution control devices. Decorative chromium plating and chromic acid anodizing facilities were required to reduce emissions by 95 percent; however, they were not required to use add-on air pollution control devices.

The Chromium Plating ATCM was amended in 1998 to include provisions for controlling emissions of trivalent chromium from trivalent chromium plating facilities. The 1998 amendments also added requirements for monitoring, inspection, maintenance, recordkeeping, and reporting. These amendments were necessary to establish equivalency with the federal regulation for chromium plating and chromic acid anodizing facilities.

Due to the carcinogenicity of hexavalent chromium, and in response to community concerns, ARB staff undertook an evaluation of the Chromium Plating ATCM. The staff evaluated if people located near chromium plating or chromic acid anodizing facilities were adequately protected from emissions of hexavalent chromium. Staff also evaluated if technologies were available to reduce hexavalent chromium emissions, if necessary. As part of the evaluation, staff determined that 43 percent of the hexavalent chromium operations are located within 100 meters of a sensitive receptor, such as a residence or school. By conducting an emissions testing program and air quality modeling, staff determined that these sensitive receptors may be exposed to unacceptable hexavalent chromium concentrations. ARB staff also found that reliable add-on air pollution control devices such as high efficiency particulate arrestor (HEPA) filters are now available and are used by many facilities to reduce hexavalent chromium emissions. Use of HEPA filters, or other combinations of controls that are as effective as HEPA filters, represents best available control technology (BACT) for intermediate and large throughput facilities. BACT for small facilities is represented by use of ARB specified chemical fume suppressants.

Several facilities in California currently use the trivalent chromium process to perform decorative chromium plating. Therefore, staff also evaluated if using this alternative process could be employed for all deco-

rative chromium plating operations. Trivalent chromium is not considered to be a human carcinogen. If feasible, use of the trivalent chromium process would potentially eliminate the cancer risk from decorative chromium plating operations. However, although improvements in the process have been made, use of trivalent chromium is not available for all applications.

The staff determined that estimated cancer risk from intermediate and large production facilities now controlled with chemical fume suppressants alone could be reduced very substantially by requiring the use of HEPA filter systems or the equivalent. By applying this approach to all but very small sources, an additional 40 percent of facilities would be able to control their emissions of hexavalent chromium by over 99 percent. This would result in reducing estimated cancer risk from current levels up to 85 percent for individual facilities. Finally, ARB staff determined that the hexavalent chromium emissions from chromium plating and chromic acid anodizing are not solely from electroplating or anodizing, but also from fugitive dust containing hexavalent chromium that is reintroduced into outside air. Implementing housekeeping measures to reduce dust accumulation can reduce these fugitive emissions.

As allowed by State law, in 2003 the South Coast Air Quality Management District (South Coast AQMD) amended its Rule 1469, Control of Hexavalent Chromium Emissions from Chrome Plating and Chromic Acid Anodizing Operations (Rule 1469), and made the rule more protective than the then-applicable ATCM. The amended rule requires hexavalent chromium facilities located within 25 meters from a sensitive receptor or within 100 meters from a school to reduce hexavalent chromium emissions such that the residential cancer risk will be no more than ten chances per million people. The rule also requires facilities located greater than 25 meters from a sensitive receptor or 100 meters from a school to reduce emissions such that cancer risk will be no more than 25 chances per million people. Rule 1469 establishes production thresholds that allow the use of chemical fume suppressants added to the plating bath as the sole control method (as is currently allowed by the Chromium Plating ATCM). However, the only chemical fume suppressants that can be used are those that are "certified" to reduce hexavalent chromium emissions from the plating bath to no more than 0.01 milligrams/ampere-hour at specified surface tensions. Rule 1469 also establishes housekeeping requirements. The amended rule is in full effect.

There are also federal regulations for chromium plating and chromic acid anodizing facilities; these regulations are discussed in this notice under the heading "Comparable Federal Regulations."

Description of the Proposed Regulatory Action:

The proposed amendments to the Chromium Plating

ATCM would require use of more stringent add-on air pollution control devices such as HEPA filters or equivalent systems to further reduce the public's exposure to hexavalent chromium from most chromium plating and chromic acid anodizing facilities. This add-on air pollution control equipment requirement would apply to facilities over time, except for facilities with very low throughput (measured in annual permitted ampere-hours), that would be required to use chemical fume suppressants.

The existing Chromium Plating ATCM establishes different control requirements based on the type of operation, with hard chromium plating operations subject to the most stringent limits. Rather than continued bifurcation of requirements, staff is proposing that all facilities using the hexavalent chromium process, whether they perform decorative plating, hard plating, or chromic acid anodizing, be subject to the same requirements.

Very low production ($\leq 20,000$ ampere-hours per year) facilities could continue to reduce hexavalent chromium emissions through use of ARB specified chemical fume suppressants to lower surface tension of the plating or anodizing bath. Using specified chemical fume suppressants to lower surface tension reduces hexavalent chromium emissions to 0.01 milligrams/ampere-hour.

Requiring HEPA filters or the equivalent for all other facilities translates to the use of control technologies rated at 99.97 percent efficient for collecting particles of 0.3 micrometers in diameter. This is the control efficiency achieved through installation of a HEPA add-on air pollution control device. The emission limitation equivalent to this level of control is 0.0015 milligrams/ampere-hour. Therefore, the proposed amendments would require all facilities that have greater than 20,000 annual ampere-hours to achieve this emission limitation. The timing for requiring compliance with the emission limitation for each facility would be based on its annual production and proximity to sensitive receptors.

Intermediate-sized facilities ($> 20,000$ and $\leq 200,000$ permitted ampere-hours per year) would have five years to comply if the facility is located more than 100 meters from a sensitive receptor. To protect sensitive receptors at the earliest possible time, other intermediate-sized facilities located at or within 100 meters of a sensitive receptor would be required to meet the emission limitation in two years. All intermediate-sized facilities would have the option to demonstrate compliance with the emission limitation without the installation of add-on air pollution control devices.

The largest facilities (greater than 200,000 permitted ampere-hours per year) would be required to install add-on air pollution control device(s) and to comply

with the emission limitation of 0.0015 milligrams/ampere-hour within two years.

As proposed, a facility would be defined as modified if throughput levels increased such that the facility would be subject to a more stringent emission limitation. Modified facilities would be required to demonstrate compliance with the emission limitation of 0.0015 milligrams/ampere-hour by using an add-on air pollution control device(s).

For new facilities, no new facility would be allowed to operate unless it is located outside of an area that is zoned for residential or mixed use and is located at least 150 meters from the boundary of any area zoned for residential or mixed use. All new facilities would also be required to install HEPA add-on air pollution control device(s) and to comply with an emission limitation of 0.0015 milligrams/ampere-hour.

Accounting for the reductions in emissions and cancer risk achieved by South Coast AQMD Rule 1469, the proposed amendments to the Chromium Plating ATCM would further reduce the statewide emissions of hexavalent chromium from chromium plating and anodizing facilities by over 50 percent. Intermediate and large production facilities required to install BACT would control emissions by over 99 percent and this would result in a reduction in estimated cancer risk from current levels up to 85 percent for individual facilities.

Proposed Additional Amendments

1. A number of new and modified definitions are proposed to implement the new requirements and clarify existing definitions. In particular, a definition is being proposed to define "sensitive receptor." As proposed, a "sensitive receptor" would be defined as: "any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (k-12) schools, daycare centers; and health care facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long term care hospitals, hospices, prisons, and dormitories or similar live-in housing."
2. The proposed amendments would specify the chemical fume suppressants that could be used by very small facilities to comply with the surface tension requirement. Some intermediate-sized facilities would also be required to use the specified chemical fume suppressants if they can demonstrate compliance with the emission limit without the installation of add-on air pollution control devices.
3. Housekeeping measures would be required to reduce fugitive hexavalent chromium emissions.

4. Training on the Chromium Plating ATCM and the requirements, conducted by ARB staff, would be required for employees of chromium plating and chromic acid anodizing facilities every two years. This requirement would not apply to personnel who attend the South Coast AQMD's training class for Rule 1469.
5. As described under "Comparable Federal Regulations," the federal regulation was recently amended. Therefore, staff is proposing to incorporate most of these changes into the Chromium Plating ATCM. However, staff is not proposing to incorporate the provision to allow hard chromium plating facilities to use chemical fume suppressants as the sole source of controlling hexavalent chromium emissions unless they have production levels less than 20,000 ampere-hours.
6. Staff is proposing amendments that would apply to chromium plating and chromic acid anodizing kits. The amendments would prohibit the sale, supply, offer for sale, or manufacture for sale in California of any chromium plating or chromic acid anodizing kit. In addition, any use of such kits to perform chromium electroplating or chromic acid anodizing would be prohibited unless these activities are performed at a permitted facility that complies with the requirements of the Chromium Plating ATCM.
7. New, modified, and some existing facilities would be required to conduct a site specific analysis if annual hexavalent chromium emissions exceed a specified weight.
8. A number of minor or nonsubstantive changes are proposed to re-number and re-organize subsections within the Chromium Plating ATCM. For example, the existing ATCM is contained in a single section (section 93102) but the amended Chromium Plating ATCM would be contained in sections 93102-93102.16. These changes are necessary to accommodate the new provisions and provide clarity.

COMPARABLE FEDERAL REGULATIONS

On January 25, 1995, the United States Environmental Protection Agency (U.S. EPA) promulgated, in 40 Code of Federal Regulations (CFR) Part 63, Subpart N, "The National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks" (Chromium Plating NESHAP). On July 19, 2004, U.S. EPA amended the Chromium Plating NESHAP. The amendments allow the use of chemical fume suppressants as the sole method to control chromium emissions from hard chromium plating facilities as an alternative to the

existing concentration emission limit. The existing Chromium Plating ATCM requires hard chromium plating facilities to reduce hexavalent chromium emissions by using add-on air pollution control devices. An exemption exists for facilities with annual ampere-hours below 500,000, if approved by the air pollution control or air quality management district (air district). Among other provisions the amended Chromium Plating NESHAP also established an alternative standard for hard chromium plating tanks equipped with enclosed hoods and modified the surface tension parameter testing to accommodate the margin of error between the use of a stalagmometer or tensiometer.

On March 15, 1999, ARB was granted equivalency to the 1995 Chromium Plating NESHAP under section 112(l) of the federal Clean Air Act (See 64 Federal Register (FR) 12762, March 15, 1999; 40 CFR section 63.99). This approval by U.S. EPA means that chromium plating and chromic acid anodizing facilities in California do not need to comply with the federal Chromium Plating NESHAP. Instead, these facilities must comply with California's Chromium Plating ATCM, in lieu of the federal Chromium Plating NESHAP. ARB staff is confident that requirements of the amended Chromium Plating ATCM are at least as stringent, or more stringent, than the amended Chromium Plating NESHAP.

Under the U.S. Department of Labor, the Occupational Health & Safety Administration (OSHA) published a Permissible Exposure Limit (PEL) to protect workers from hexavalent chromium exposures. On February 28, 2006, OSHA approved changes to the hexavalent chromium rule to establish a time-weighted average PEL of 5 micrograms per meter cubed ($\mu\text{g}/\text{m}^3$), measured and reported as hexavalent chromium (see 71 FR 10100). OSHA also adopted other ancillary provisions for employee protection such as preferred methods for controlling exposure, respiratory protection, protective work clothing and equipment, housekeeping measures, hygiene areas and practices, medical surveillance, hazard communication, and recordkeeping. The OSHA's PEL for chromic acid and chromates is found in 29 CFR 1910.1000, Table Z-2.

ARB staff is also proposing to include housekeeping measures in the Chromium Plating ATCM. The housekeeping measures are designed to prevent dust that may contain hexavalent chromium from becoming re-entrained into the ambient air. The OSHA measures are designed to protect workers. The measures proposed by ARB would not be in conflict with those required by OSHA to protect workers.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared an "Initial Statement of Reasons for the Proposed Amendments to the Airborne Toxic Control Measure for Chrome Plating and Chromic Acid Anodizing Operations" (Staff Report) for the proposed regulatory action, which includes a summary of the potential environmental and economic impacts of the proposal.

Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990 at least 45 days prior to the September 28, 2006, hearing. The Staff Report is also available on the internet at the website listed below, or by contacting the staff listed below.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Carla Takemoto, Manager of the Technical Evaluation Section, at (916) 324-8028 or by email at ctakemot@arb.ca.gov, or Shobna Sahni, Air Pollution Specialist, at (626) 575-7039 or by email at spandhoh@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the Staff Report, and all subsequent regulatory documents, including the Final Statement of Reasons, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/chrom06/chrom06.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below and in specific detail in the Staff Report.

The ARB Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(5) and 11346.5(a)(6), to any State agency or in federal funding to the State, costs or mandate to any school district whether or not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, title 2 of the Government Code, or other nondiscretionary savings to State or local agencies.

The proposed regulatory action will impose a mandate upon and create costs to local agencies (i.e., air districts). The air districts will be required to implement and enforce the ATCM, or adopt and enforce their own rules that are at least as stringent. However, such administrative costs to the air districts are recoverable by fees that are within the air districts' authority to assess (see Health and Safety Code sections 42311 and 40510). Therefore, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), Division 4, title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has initially determined that there will be a potential cost impact on private persons or businesses directly affected as a result of the proposed regulatory action. The cost impact on the businesses will vary depending on how much a facility is already in compliance with the proposed requirements. As explained below, the proposed amendments may have a significant adverse impact on some individual businesses but the overall statewide impacts are not expected to be significant.

There are currently about 226 chromium plating and chromic acid anodizing facilities in California, with about 170 of those located in the South Coast AQMD. The estimated first year cost impacts for chromium plating or chromic acid anodizing owners or operators ranges from \$450 to \$217,000. The lower cost represents facilities that would have to file a one-time compliance status report, while the upper cost represents amortized costs for purchasing add-on air pollution control device(s), plus the operational and maintenance costs of the device(s). The average annual cost for a facility required to install an add-on air pollution control device(s) would be about \$53,000. The average one-time cost for facilities that are already almost fully compliant is \$5,300, with the highest cost being about \$21,000. About 60 percent of existing facilities would have no appreciable compliance costs after the first year.

Some smaller volume plating or anodizing businesses may decide to cease chromium plating or anodizing operations rather than make the investments needed to comply. In order to minimize the economic impact to chromium plating and chromic acid anodizing facility owners or operators, a loan guarantee program has been established through the Business, Transportation, and Housing Agency.

Apart from the impacts described above on individual chromium plating and chromic acid anodizing businesses, the Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has initially determined that the proposed amendments should have minimal impacts on the creation or elimination of jobs within the State of California, minimal impacts on the creation of new businesses and the elimination of existing businesses within the State of California, and minimal impacts on the expansion of businesses currently doing business within the State of California.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the proposed reporting requirements of the ATCM which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, September 27, 2006**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

The Board requests but does not require 30 copies of any written statement be submitted and that all written statements be filed at least ten days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to the ARB in Health and Safety Code sections 39600, 39601, 39650, 39658, 39659, 39666, and 41511. This action is proposed to implement, interpret, or make specific Health and Safety Code sections 39650, 39658, 39659, 39666, and 41511; and 40 Code of Federal Regulations Part 63, subpart N.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, ARB may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

NOTICE OF PROPOSED REGULATION ADOPTION

California Code of Regulations Title 17. — Public Health Division 4 — California Institute For Regenerative Medicine Chapter 5

Date: August 1, 2006

Deadline for Submission of Written Comment:
September 25, 2006 — 5:00 p.m.

Hearing Date: None scheduled.

Subject Matter of Proposed Regulations: Grants
Administration Policy for Academic and
Non-Profit Institutions

Sections Affected:

The proposed regulations adopt Chapter 5 and section 100500 of Title 17 of the California Code of Regulations.

Authority: Article XXXV of the California Constitution and Health and Safety Code section 125290.40, subdivision (j).

Reference: Sections 125290.30, subdivisions (e) and (i), 125290.45, subdivision (a)(2), 125290.50, subdivision (f), 125290.60, 125292.10, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in early 2005 with the passage of Proposition 71 (the "Act"), the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The Independent Citizens' Oversight Committee ("ICOC") is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in Cali-

fornia's leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The Act charges the ICOC with developing standards and criteria to make grant awards and to develop standards and criteria for proper oversight of awards. (§ 125290.50.) To that end, the Scientific and Medical Research Funding Working Group has developed a document titled "CIRM Grants Administration Policy for Academic and Non-Profit Institutions." This policy serves to guide grant recipients on their responsibilities as CIRM grantees. Principal investigators, program directors, and organizational officials with grants management responsibilities may refer to pertinent sections for answers to questions that arise concerning the administration of the grants. By accepting a CIRM grant award, the grantee is agreeing to comply with the provisions set forth in the policy for the entire project period of the grant.

In addition to a section broadly defining the terms used in the policy and identifying key personnel on grantee organization staff and their responsibilities, the document sets forth the rules governing the grant application and review process, including sections addressing eligibility, application submission, application review, criteria for review of applications, appeals of grant decisions, procedures after approval, and the public access to public records.

Another key area addressed in the policy concerns pre- and post-grant award responsibilities and issues. For instance, the policy will address apportionment of liability for research, public policy requirements concerning use of human tissue, animal subjects and biosafety, as well as sharing of intellectual property, preference for California suppliers and a "just-in-time" policy describing the process for preparing for a grant award.

The policy describes the requirements for award acceptance and various provisions addressing the payment and use of grants funds. For instance, the policy describes allowable and unallowable project costs and activities, as well as permissible and impermissible facilities costs. The policy describes the policies and procedures applicable for prior approval requirements for programmatic and other changes, the process for appropriate documentation of use of CIRM funds, reporting requirements and the misuse of funds. The policy also addresses the consequences for failure of compliance with the terms and conditions of CIRM grant awards.

The final primary section of the policy address issues pertinent to training grants made by the CIRM, including the criteria for review of training grant applications, degree requirements for trainees, allowable costs and

activities, and reporting requirements for training grant recipients.

Technical, Theoretical or Empirical Studies, Reports or Documents:

There are many sources that provide helpful information about the administration of CIRM-supported grants or that are relevant to the regulation. Below is a compendium of websites that contains information and useful reports relating to intellectual property, data and materials sharing, and licensing trends. Some components of the proposed regulations were developed using guidelines and regulations contained in these documents:

A. General Interest Sites:

CIRM — <http://www.cirm.ca.gov/>
 National Academy of Sciences — <http://www.nas.edu/>
 National Institutes of Health — <http://www.nih.gov>
 Office for Human Research Protections, DHHS — www.hhs.gov/ohrp
 Office of Laboratory Animal Welfare — <http://grants1.nih.gov/grants/olaw>
 Office of Research Integrity, DHHS — www.ori.dhhs.gov
 U.S. Food and Drug Administration — www.fda.gov

B. Grant Administration Policies:

American Heart Association
 American Cancer Society
 Special Research Programs at UCOP
 Juvenile Diabetes Research Foundation
 National Institutes of Health — December, 2003
 Susan B. Koman Breast Cancer Foundation
 National Academy of Sciences
 Florida Department of Health

C. Other Documents and Sources:

Public Health Service Policies on Research Misconduct — 42 CFR Part 93
 Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought (10/20/00) — 42 CFR Part 50, Subpart F
 Guide for Care and Use of Laboratory Animals (1/2/96) — NAS
 Protection of Human Subjects — 45 CFR Part 46
 Animal Welfare Act — 9 CFR Ch. 1

D. Public Input:

Public input received at six public meetings conducted by the ICOC and Scientific and Medical Research Working Group, on November 28, 2005, December 6, 2005, and February 10, March 14, April 6 and June 2, 2006.

Copies of the documents referenced above may be found at the internet site listed. In addition, these documents are also available at the offices of CIRM located at 210 King Street, San Francisco, California, 94107.

Transcripts and meeting minutes of the meetings referenced in Section “D” are available on CIRM’s website, www.cirm.ca.gov under the “Meetings Transcripts” link.

Submittal of Comments:

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on September 25, 2006. Comments regarding this proposed action may also be transmitted via e-mail to gapcomments@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person’s representative requests a public hearing, he or she must do so in writing no later than September 11, 2006.

Effect on Small Business:

CIRM has determined that the proposed regulatory action has no impact on small businesses. The regulations implement conditions on awarding grants for stem cell research. This research is conducted almost exclusively by large public and private non-profit institutions, as well as large for-profit institutions. As such, the regulations are not expected to adversely impact small business as defined in Government Code section 11342.610.

Impact on Local Agencies or School Districts:

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

Costs or Savings to State Agencies:

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

Effect on Federal Funding to the State:

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory actions.

Effect on Housing Costs:

CIRM has made an initial determination that the proposed actions will have no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

CIRM has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California Businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses:

CIRM has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on the Creation, Elimination, or Expansion of Jobs:

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Consideration of Alternatives:

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

Availability of Statement of Reasons and Text of Proposed Regulations:

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

Availability of Changed or Modified Text:

After the close of the comment period, CIRM may make the regulation permanent if it remains substantially the same as described in the Policy Statement Overview. If CIRM does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

Agency Contact:

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

C. Scott Tocher, Interim Counsel
California Institute For Regenerative Medicine
210 King Street
San Francisco, CA 94107
(415) 396-9136

Questions on the substance of the proposed regulatory action may be directed to:

Gilberto R. Sambrano, Ph.D.
Scientific Review Officer
California Institute For Regenerative Medicine
(415) 396-9103

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM's website, www.cirm.ca.gov.

Availability of Final Statement of Reasons:

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on CIRM's webpage and accessed at www.cirm.ca.gov.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN:

The State Board of Equalization announces a public hearing with regard to the proposed adoption Rule 474, *Petroleum Refining Properties*, in Title 18, Division 1 of the California Code of Regulations. A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 9:30 a.m., or as soon thereafter as the matter may be heard, on September 27, 2006. Any person interested may present statements or arguments orally at that time and place. Written statements or arguments will be considered by the Board if received by September 27, 2006.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Section 1 of article XIII of the California Constitution provides that, unless otherwise provided by the Califor-

nia Constitution or the laws of the United States, all property is taxable and all assessed property is taxed in proportion to its full value. Subdivision (b) of section 2 of article XIII A of the California Constitution requires that the base year value of assessed property may not increase annually by more than the inflation factor prescribed in that subdivision.

Section 51 of the Revenue and Taxation Code implements these provisions by establishing methods for adjusting the base year values of assessed real property. Subdivision (d) of section 51 provides that "real property" means "that appraisal unit that person in the marketplace commonly buy and sell as a unit, or that is normally valued separately."

The State Board of Equalization proposes to adopt Rule 474 to implement and make specific the requirements for valuation of real property, personal property, and fixtures used for the refining of petroleum. Rule 474 defines "petroleum refining property" and establishes a rebuttable presumption, for purposes of recognizing declines in value, that land, improvements, and fixtures and other machinery and equipment classified as improvements constitute one appraisal unit, except when measuring declines in value caused by disaster, in which case land constitutes a separate appraisal unit.

**COST TO LOCAL AGENCIES
AND SCHOOL DISTRICTS**

The State Board of Equalization has determined that proposed Rule 474 does not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed rule will not result in direct or indirect costs or savings to any state agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5, subdivision (a)(8), the Board of Equalization makes an initial determination that the adoption of Rule 474 will not have a significant statewide adverse economic impact directly affecting business because the proposed rule merely interprets and clarifies existing statutory provisions.

The rule will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The adoption of the rule will not be detrimental to California businesses in competing with businesses in other states.

The rule will not affect small business because the new rule only interprets and clarifies property tax assessment law statutory provisions and does not impose any additional compliance or reporting requirements on taxpayers.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

A cost impact of \$1.4 million per year on directly affected persons or businesses is estimated. This does not represent a significant, statewide adverse economic impact on affected California businesses, as it represents a potential increase in assessed value of \$140 million spread over a value base of approximately \$32 billion, and the adoption of the rule does not impose any additional compliance or reporting requirements on private persons or businesses.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Rule 474 has no comparable federal regulation.

AUTHORITY

Government Code section 15606, subdivision (a).

REFERENCE

California Constitution, article XIII, section 1 and article XIII A, section 2, and Revenue and Taxation Code section 51.

CONTACT

Questions regarding the substance of the proposed rule should be directed to: Ms. Carole Ruwart, Senior Tax Counsel, at P.O. Box 942879, 450 N Street, MIC:82, Sacramento, CA 94279-0082, email Carole.Ruwart@boe.ca.gov. Telephone: (916) 322-3682; FAX: (916) 323-3387.

Written comments for the Board's consideration, requests to present testimony, bring witnesses to the public hearing and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, at P.O. Box 942879, 450 N Street, MIC:80, Sacramento, CA 94279-0080, email Diane.Olson@boe.ca.gov. Telephone: (916) 322-9569, FAX (916) 324-2597.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the rule. Those documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. Requests for copies should be addressed to Ms. Diane Olson, Regulations Coordinator, at P. O. Box 942879, 450 N Street, MIC:80, Sacramento, CA 94279-0080, Diane.Olson@boe.ca.gov. Telephone: (916) 322-9569, FAX (916) 324-2597. The express terms of the proposed regulation (rule) are available on the Internet at the Board's website <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's website following its public hearing of the adoption of the rule. It is also available for public inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with law, adopt the rule if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for 15 days before adoption of the regulation. The text of the modified rule will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified rule will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified rule for 15 days after the date on which the modified rule is made available to the public.

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT
(STATE HOUSING LAW)**

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD) proposes to amend existing regulations governing hotels, motels, lodging houses, apartment houses, and dwellings including buildings and structures accessory thereto.

PUBLIC HEARING

HCD has not scheduled a public hearing on this proposed action. However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on September 25, 2006 in order to be considered. Written comments may be submitted by mail, e-mail, or as follows:

By mail to: Department of Housing and
Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Doug Hensel, Housing
Standards Program

By e-mail to: dhensel@hcd.ca.gov

By facsimile to: (916) 327-4712
ATTN: Doug Hensel

AUTHORITY AND REFERENCE

Health and Safety Code section 17921 grants HCD the authority to adopt, amend, and repeal rules and regulations for the protection of the public health, safety and general welfare of occupants and the public by governing the erection, alteration, and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, including buildings and structures accessory thereto. These regulations implement and interpret Health and Safety Code sections 17910 through 17998.3 (State Housing Law). The text of these statutes is available at <http://www.leginfo.ca.gov>.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Summary of Existing Laws

The State Housing Law (SHL) contained in the California Health and Safety Code (HSC) commencing with section 17910 grants authority to the Department of Housing and Community Development (HCD) to adopt, amend and repeal rules and regulations for the protection of the public health, safety and general welfare related to the construction, use and maintenance of dwellings throughout the State of California.

Summary of Existing Regulations

The State Housing Program within HCD's Codes and Standards Division develops, administers and maintains uniform statewide building standards and regulations which provide protection of the public health, safety and general welfare related to the construction, use and maintenance of dwellings throughout the State of California.

Summary of Effect of Proposed Regulatory Action

The proposed action will clarify the type of activities over which HCD has authority and more closely mirror the authority given to HCD pursuant to California Health and Safety Code 17921. In addition, this action will align the construction permit requirements contained in California Code of Regulations Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, Section 16 with the exemptions from permits contained in CCR Title 24, Part 2, the California Building Code; CCR Title 24, Part 3, the California Electrical Code; CCR Title 24, Part 4, the California Mechanical Code; and CCR Title 24, Part 5, the California Plumbing Code.

The section affected by this rulemaking and the specific purpose for the amendment contained in the proposed regulations is set forth in the Initial Statement of Reasons for this regulatory action. Non-regulatory amendments for grammatical reasons have also been made.

SECTION AFFECTED

The specific section affected by this proposed action is Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, Section 16.

POLICY STATEMENT OVERVIEW

The State Housing Law Program within HCD is responsible for developing, administering and maintaining uniform statewide building standards and regulations applicable to use, maintenance, and occupancy of dwellings throughout the State of California.

DISCLOSURES REGARDING THE PROPOSED ACTION

HCD has made the following initial determinations:
Mandate on local agencies and school districts:
NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. In fact, HCD has determined that coordination between Title 24 and Title 25 permit requirements for minor work may serve to legitimize what is believed to be the common practice throughout the State of not issuing permits because the fees generated by such minor permits typically are not sufficient to cover the costs associated with them.

SMALL BUSINESS IMPACT STATEMENT

SMALL BUSINESSES may be affected by these regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments may provide a modest cost benefit to such persons in jurisdictions which follow a strict interpretation of the current requirements in Title 25.

HCD has determined that most local building departments currently do not issue permits for work associated with maintenance and repair of a minor nature when, in fact, a strict interpretation of the current language contained in Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, Section 16 would require such permit. Nationally developed model building codes have typically

exempted minor work from permit issuance. With this action, HCD will more closely align the permit requirements contained in Title 24, Title 25, and nationally developed codes, while aiding local enforcing agencies by giving them lawful authority to exempt such permits.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON(S)

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the rulemaking file, including the exact language of the proposed regulations, the Initial Statement of Reasons, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

Department of Housing and Community
Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Fax (916) 327-4712

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on HCD'S website at the following address:

<http://www.hcd.ca.gov/codes/shl/>

Technical/substance queries regarding this regulatory proposal may be directed to:

Doug Hensel, Assistant Deputy Director, Housing
Standards Program
Telephone Number: (916) 445-9471 /
Fax (916) 327-4712
E-mail: dhensel@hcd.ca.gov

Technical/substance queries back-up contact person:

Jim McGowan, Program Operations Manager
Telephone Number: (916) 445-9471 / Fax (916)
327-4712
E-mail: jmcgowan@hcd.ca.gov

Questions regarding the regulatory process may be directed to:

Dee Benbow, Associate Governmental Program
Analyst
Telephone Number: (916) 327-2801 /
Fax (916) 327-4712
E-mail: dbenbow@hcd.ca.gov

Written comments may be submitted to:

Department of Housing and Community
Development
Division of Codes and Standards
P.O. Box 1407
Sacramento, CA 95812-1407
ATTN: Doug Hensel

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following a 45-day public comment period, HCD may accept substantially related proposals or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will again be made available for at least a 15-day comment period from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

GENERAL PUBLIC INTEREST

EMERGENCY MEDICAL SERVICES AUTHORITY

This notice of general public interest is in regards to the notice published on July 21, 2006, Office of Administrative Law file number Z-06-0711-01, regarding EMS Authority's revisions to the EMT-I Regulations.

The public hearing regarding the EMT-I Regulations revisions scheduled for September 4, 2006 from 12:30 p.m. to 2:00 p.m. is rescheduled to September 5, 2006 from 12:30 p.m. to 2:00 p.m..

The public comment period regarding the revision to the EMT-I Regulations is extended one day to September 5, 2006. The written comment period closes at 5:00 p.m. on September 5, 2006.

The purpose of these date revisions for the public comment period and the public hearing is because the 45-day public comment period ends on September 4, 2006 which happens to be a holiday and the EMS Authority office will be closed that day.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE TO INTERESTED PARTIES

August 11, 2006

ANNOUNCEMENT OF DRAFT REPORT, PUBLIC WORKSHOP, AND PUBLIC COMMENT PERIOD

HEALTH ADVISORY: SAFE EATING GUIDELINES FOR FISH FROM THE LOWER FEATHER RIVER (BUTTE, YUBA AND SUTTER COUNTIES)

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHHA) announces the availability of the draft report entitled "Health Advisory: Safe Eating Guidelines for Fish from the Lower Feather River (Butte, Yuba and Sutter Counties)." The report contains an evaluation of findings of elevated mercury levels in fish from the lower Feather River and provides safe eating guidelines for these water bodies. OEHHHA is soliciting comments from interested parties on the draft report and advisory during a 30-day public comment period. OEHHHA will also hold a public workshop to make a presentation, an-

swer questions, and take comments on August 30, 2006, at 3:00 PM, at the Feather River Tribal Health Center, 2145 5th Ave., Oroville. Comments may be submitted at any time until the close of the comment period.

Comments on the draft report may be submitted by phone, fax, or e-mail to Dr. Susan A. Klasing. All comments must be received by 5:00 p.m. on September 11, 2006. OEHHA will consider comments received by this time and revise the draft report and advisory as appropriate to issue a final report and advisory.

OEHHA is making the draft document available at the OEHHA Web site at <http://www.oehha.ca.gov>. Limited copies of the report are also available by calling (916) 327-7319.

If you would like to submit comments, receive further information on this announcement, or have questions, please contact Dr. Susan A. Klasing using the information provided below.

Dr. Susan A. Klasing
California Environmental Protection Agency
Office of Environmental Health Hazard Assessment
Pesticide and Environmental Toxicology Branch
P.O. Box 4010, MS 12 B
Sacramento, California 95812-4010
Phone: (916) 323-9667
Fax: (916) 327-7320
e-mail: sklasing@oehha.ca.gov

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Department of Corrections
and Rehabilitation

PETITIONER

Inmates Myron, Infinity, et al.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058, the Secretary may prescribe and amend regu-

lations for the administration of prisons. PC Section 5054 vests with the Secretary the supervision, management, and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries pertaining to this Notice of Decision on Petition to Amend Regulations to Timothy Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 341-7390.

AVAILABILITY OF PETITION

The actual petition filed and the response thereto is available for review upon request submitted to the departmental contact.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections and Rehabilitation amend regulations in the California Code of Regulation (CCR), Title 15, Division 3, Section 3190 regarding inmate personal property.

DEPARTMENT DECISION

The Secretary of the Department of Corrections and Rehabilitation denies the above referenced petition to amend regulations in the CCR, Title 15, Division 3, Section 3190.

The general policy stated in Section 3190(b) clearly identifies the permissible space limits, which states that the "combined volume of state-issued and allowable personal property item shall not exceed six cubic feet, except as specifically allowed in the regulations." The request to change the six-cubic feet is not justifiable nor is it feasible and must remain as it is stated in the current policy.

Department Operations Manual Section 54030.17.9 clearly states that "Certain inmate housing configurations may justify the preclusion of the possession and use of specific appliances. Wardens must request approval for an exemption from the Deputy Director, Division of Adult Institutions." This notion exists to address the differences in institutional physical plant and electrical limitations. Requests for extensive refurbishing of the physical plant is typically cost prohibitive.

The Department contends that the Notice of Change to Regulations for Statewide Vendor/Inmate Personal Property Program was posted throughout Ironwood

State Prison, on the California Department of Corrections and Rehabilitation Internet site, in the Office of Administrative Law (OAL) Notice Registry, and mailed to thousands on our mailing lists.

The Department contends that these regulations went through the Administrative Procedure Act process and were reviewed and approved by the OAL as satisfying requirements for necessity, authority, clarity, consistency, reference, and non-duplication.

Pursuant to CCR, Section 3084.1, any inmate may pursue a remedy through the Inmate Appeal process, which they can demonstrate as having an adverse effect upon their welfare.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY AUGUST 11, 2006

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2; [2-(2-furyl)-3-(5-nitro-2-furyl)] acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
<u>Allyl chloride</u> <u>Delisted</u> <u>October 29, 1999</u>	107051	January 1, 1990
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylantraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 32-Z

Azacitidine	320672	January 1, 1992	<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Azaserine	115026	July 1, 1987	Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003
<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>	Carbon tetrachloride	56235	October 1, 1987
Azathioprine	446866	February 27, 1987	Carbon-black extracts	—	January 1, 1990
Azobenzene	103333	January 1, 1990	N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002
Benz[a]anthracene	56553	July 1, 1987	Catechol	120809	July 15, 2003
Benzene	71432	February 27, 1987	Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Benzidine [and its salts]	92875	February 27, 1987	Certain combined chemotherapy for lymphomas	—	February 27, 1987
Benzidine-based dyes	—	October 1, 1992	Chlorambucil	305033	February 27, 1987
Benzo[b]fluoranthene	205992	July 1, 1987	Chloramphenicol	56757	October 1, 1989
Benzo[j]fluoranthene	205823	July 1, 1987	Chlordane	57749	July 1, 1988
Benzo[k]fluoranthene	207089	July 1, 1987	Chlordecone (Kepone)	143500	January 1, 1988
Benzofuran	271896	October 1, 1990	Chlordimeform	6164983	January 1, 1989
Benzo[a]pyrene	50328	July 1, 1987	Chlorendic acid	115286	July 1, 1989
Benzotrichloride	98077	July 1, 1987	Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Benzyl chloride	100447	January 1, 1990	p-Chloroaniline	106478	October 1, 1994
Benzyl violet 4B	1694093	July 1, 1987	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Beryllium and beryllium compounds	—	October 1, 1987	Chlorodibromomethane		
Betel quid with tobacco	—	January 1, 1990	<u>Delisted October 29, 1999</u>	124481	January 1, 1990
Betel quid without tobacco	—	February 3, 2006	Chloroethane (Ethyl chloride)	75003	July 1, 1990
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010474	January 1, 1988
Bis(2-chloroethyl)ether	111444	April 1, 1988	1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494031	February 27, 1987	Chloroform	67663	October 1, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154938	July 1, 1987	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
Bis(chloromethyl)ether	542881	February 27, 1987	3-Chloro-2-methylpropene	563473	July 1, 1989
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990	4-Chloro-ortho-phenylenediamine	95830	January 1, 1988
Bracken fern	—	January 1, 1990	p-Chloro-o-toluidine	95692	January 1, 1990
Bromate	15541454	May 31, 2002	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
Bromodichloromethane	75274	January 1, 1990	5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Bromoethane	74964	December 22, 2000	Chloroprene	126998	June 2, 2000
Bromoform	75252	April 1, 1991	Chlorothalonil	1897456	January 1, 1989
1,3-Butadiene	106990	April 1, 1988	Chlorotrianisene	569573	September 1, 1996
1,4-Butanediol dimethane-sulfonate (Busulfan)	55981	February 27, 1987			
Butylated hydroxyanisole	25013165	January 1, 1990			
beta-Butyrolactone	3068880	July 1, 1987			
Cacodylic acid	75605	May 1, 1996			
Cadmium and cadmium compounds	—	October 1, 1987			
Caffeic acid	331395	October 1, 1994			
Captan	2425061	October 1, 1988			
Captan	133062	January 1, 1990			
Carbazole	86748	May 1, 1996			

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 32-Z

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>	<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Chlorozotocin	54749905	January 1, 1992	2,4-Diaminoanisole		
Chromium (hexavalent compounds)	—	February 27, 1987	sulfate	39156417	January 1, 1988
Chrysene	218019	January 1, 1990	4,4'-Diaminodiphenyl ether		
C.I. Acid Red 114	6459945	July 1, 1992	(4,4'-Oxydianiline)	101804	January 1, 1988
C.I. Basic Red 9			2,4-Diaminotoluene	95807	January 1, 1988
monohydrochloride	569619	July 1, 1989	Diaminotoluene (mixed)	—	January 1, 1990
C.I. Direct Blue 15	2429745	August 26, 1997	Diazoaminobenzene	136356	May 20, 2005
C.I. Direct Blue 218	28407376	August 26, 1997	Dibenz[a,h]acridine	226368	January 1, 1988
C.I. Solvent Yellow 14	842079	May 15, 1998	Dibenz[a,j]acridine	224420	January 1, 1988
Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992	Dibenz[a,h]anthracene	53703	January 1, 1988
	79217600		7H-Dibenzo[c,g]carbazole	194592	January 1, 1988
Cidofovir	113852372	January 29, 1999	Dibenzo[a,e]pyrene	192654	January 1, 1988
Cinnamyl anthranilate	87296	July 1, 1989	Dibenzo[a,h]pyrene	189640	January 1, 1988
Cisplatin	15663271	October 1, 1988	Dibenzo[a,i]pyrene	189559	January 1, 1988
Citrus Red No. 2	6358538	October 1, 1989	Dibenzo[a,l]pyrene	191300	January 1, 1988
Clofibrate	637070	September 1, 1996	1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987
Cobalt metal powder	7440484	July 1, 1992	2,3-Dibromo-1-propanol	96139	October 1, 1994
Cobalt [II] oxide	1307966	July 1, 1992	Dichloroacetic acid	79436	May 1, 1996
Cobalt sulfate	10124433	May 20, 2005	p-Dichlorobenzene	106467	January 1, 1989
Cobalt sulfate heptahydrate	10026241	June 2, 2000	3,3'-Dichlorobenzidine	91941	October 1, 1987
Coke oven emissions	—	February 27, 1987	3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998
Conjugated estrogens	—	February 27, 1987	1,4-Dichloro-2-butene	764410	January 1, 1990
Creosotes	—	October 1, 1988	3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988
para-Cresidine	120718	January 1, 1988	1,1-Dichloroethane	75343	January 1, 1990
Cupferron	135206	January 1, 1988	Dichloromethane (Methylene chloride)	75092	April 1, 1988
Cycasin	14901087	January 1, 1988	1,2-Dichloropropane	78875	January 1, 1990
Cyclophosphamide (anhydrous)	50180	February 27, 1987	1,3-Dichloropropene	542756	January 1, 1989
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Dieldrin	60571	July 1, 1988
Cytembena	21739913	May 15, 1998	Dienestrol	84173	January 1, 1990
D&C Orange No. 17	3468631	July 1, 1990	Diepoxybutane	1464535	January 1, 1988
D&C Red No. 8	2092560	October 1, 1990	Diesel engine exhaust	—	October 1, 1990
D&C Red No. 9	5160021	July 1, 1990	Di(2-ethylhexyl)phthalate	117817	January 1, 1988
D&C Red No. 19	81889	July 1, 1990	1,2-Diethylhydrazine	1615801	January 1, 1988
Dacarbazine	4342034	January 1, 1988	Diethyl sulfate	64675	January 1, 1988
Daminozide	1596845	January 1, 1990	Diethylstilbestrol (DES)	56531	February 27, 1987
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117102	January 1, 1992	Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989
Daunomycin	20830813	January 1, 1988	Dihydrosafrole	94586	January 1, 1988
DDD (Dichlorodiphenyl-dichloroethane)	72548	January 1, 1989	Diisopropyl sulfate	2973106	April 1, 1993
DDE (Dichlorodiphenyl-dichloroethylene)	72559	January 1, 1989	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
DDT (Dichlorodiphenyltri-chloroethane)	50293	October 1, 1987	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
DDVP (Dichlorvos)	62737	January 1, 1989	3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
N,N'-Diacetylbenzidine	613354	October 1, 1989			
2,4-Diaminoanisole	615054	October 1, 1990			

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 32-Z

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>	<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'- dimethylbenzidine	—	June 11, 2004	Erionite	12510428/ 66733219	October 1, 1988
Dimethyl sulfate	77781	January 1, 1988	Estradiol 17B	50282	January 1, 1988
4-Dimethylaminoazo- benzene	60117	January 1, 1988	Estragole	140670	October 29, 1999
trans-2-[(Dimethylamino) methylimino]-5-[2- (5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988	Estrogens, steroidal	—	August 19, 2005
7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990	Estrone	53167	January 1, 1988
3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988	Estropipate	7280377	August 26, 1997
3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992	Ethinylestradiol	57636	January 1, 1988
Dimethylcarbamoyl chloride	79447	January 1, 1988	Ethoprop	13194484	February 27, 2001
1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989	Ethyl acrylate	140885	July 1, 1989
1,2-Dimethylhydrazine	540738	January 1, 1988	Ethylbenzene	100414	June 11, 2004
Dimethylvinylchloride	513371	July 1, 1989	Ethyl methanesulfonate	62500	January 1, 1988
3,7-Dinitro- fluoranthene	105735715	August 26, 1997	Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990
3,9-Dinitro- fluoranthene	22506532	August 26, 1997	Ethylene dibromide	106934	July 1, 1987
1,6-Dinitropyrene	42397648	October 1, 1990	Ethylene dichloride (1,2- Dichloroethane)	107062	October 1, 1987
1,8-Dinitropyrene	42397659	October 1, 1990	Ethylene oxide	75218	July 1, 1987
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996	Ethylene thiourea	96457	January 1, 1988
2,4-Dinitrotoluene	121142	July 1, 1988	Ethyleneimine	151564	January 1, 1988
2,6-Dinitrotoluene	606202	July 1, 1995	Fenoxycarb	72490018	June 2, 2000
Di-n-propyl isocin- chomeronate (MGK Repellent 326)	136458	May 1, 1996	Folpet	133073	January 1, 1989
1,4-Dioxane	123911	January 1, 1988	Formaldehyde (gas)	50000	January 1, 1988
Diphenylhydantoin (Phenytoin)	57410	January 1, 1988	2-(2-Formylhydrazino)- 4-(5-nitro-2- furyl)thiazole	3570750	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988	FumonisinB ₁	116355830	November 14, 20 03
Direct Black 38 (technical grade)	1937377	January 1, 1988	Furan	110009	October 1, 1993
Direct Blue 6 (technical grade)	2602462	January 1, 1988	Furazolidone	67458	January 1, 1990
Direct Brown 95 (technical grade)	16071866	October 1, 1988	Furmecyclox	60568050	January 1, 1990
Disperse Blue 1	2475458	October 1, 1990	Fusarin C	79748815	July 1, 1995
Diuron	330541	May 31, 2002	Ganciclovir sodium	82410320	August 26, 1997
<u>Doxorubicin hydrochloride</u> (Adriamycin)	23214928	July 1, 1987	Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Epichlorohydrin	106898	October 1, 1987	Gemfibrozil	25812300	December 22, 2000
			Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
			Glu-P-1 (2-Amino-6- methyldipyrido[1,2- a:3',2'- -d]imidazole)	67730114	January 1, 1990
			Glu-P-2 (2-Aminodipyrido [1,2-a:3',2'- -d]imidazole)	67730103	January 1, 1990
			Glycidaldehyde	765344	January 1, 1988
			Glycidol	556525	July 1, 1990
			Griseofulvin	126078	January 1, 1990
			Gyromitrin (Acetaldehyde methyl- formylhydrazone)	16568028	January 1, 1988
			HC Blue 1	2784943	July 1, 1989
			Heptachlor	76448	July 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>	<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Heptachlor epoxide	1024573	July 1, 1988	MeIQ(2-Amino-3,4-		
Herbal remedies containing			dimethylimidazo		
plant species of the genus			[4,5-f]quinoline)	77094112	October 1, 1994
Aristolochia	—	July 9, 2004	MeIQx(2-Amino-3,8-		
Hexachlorobenzene	118741	October 1, 1987	dimethylimidazo		
Hexachlorocyclohexane			[4,5-f]quinoxaline)	77500040	October 1, 1994
(technical grade)	—	October 1, 1987	Melphalan	148823	February 27, 1987
Hexachlorodibenzo-			Merphalan	531760	April 1, 1988
dioxin	34465468	April 1, 1988	Mestranol	72333	April 1, 1988
Hexachloroethane	67721	July 1, 1990	Metham sodium	137428	November 6, 1998
2,4-Hexadienal (89% trans,			8-Methoxypsoralen with		
trans isomer; 11% cis, trans			ultraviolet A therapy	298817	February 27, 1987
isomer)	—	March 4, 2005	5-Methoxypsoralen with		
Hexamethylphosphora-			ultraviolet A therapy	484208	October 1, 1988
mide 680319	January 1, 1988		2-Methylaziridine		
Hydrazine	302012	January 1, 1988	(Propyleneimine)	75558	January 1, 1988
Hydrazine sulfate	10034932	January 1, 1988	Methylazoxymethanol	590965	April 1, 1988
Hydrazobenzene(1,2-			Methylazoxymethanol		
Diphenylhydrazine)	122667	January 1, 1988	acetate	592621	April 1, 1988
1-Hydroxyanthraquinone	129431	May 27, 2005	Methyl carbamate	598550	May 15, 1998
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Indium phosphide	22398807	February 27, 2001	5-Methylchrysene	3697243	April 1, 1988
IQ (2-Amino-3-			4,4' -Methylene bis(2-		
methylimidazo			chloroaniline)	101144	July 1, 1987
[4,5-f]quinoline)	76180966	April 1, 1990	4,4' -Methylene bis(N,N-		
Iprodione	36734197	May 1, 1996	dimethyl)benzenamine	101611	October 1, 1989
Iron dextran complex	9004664	January 1, 1988	4,4' -Methylene bis(2-		
Isobutyl nitrite	542563	May 1, 1996	methylaniline)	838880	April 1, 1988
Isoprene	78795	May 1, 1996	4,4' -Methylenedianiline	101779	January 1, 1988
Isosafrole	120581	October 1, 1989	4,4' -Methylenedianiline		
Isoxaflutole	141112290	December 22, 2000	dihydrochloride	13552448	January 1, 1988
Lactofen	77501634	January 1, 1989	Methyleugenol	93152	November 16, 2001
Lasiocarpine	303344	April 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Lead acetate	301042	January 1, 1988	Methyl iodide	74884	April 1, 1988
Lead and lead compounds	—	October 1, 1992	Methylmercury compounds	—	May 1, 1996
Lead phosphate	7446277	April 1, 1988	Methyl methanesulfonate	66273	April 1, 1988
Lead subacetate	1335326	October 1, 1989	2-Methyl-1-nitroanthraquinone		
Lindane and other			(of uncertain purity)	129157	April 1, 1988
hexachlorocyclohexane			N-Methyl-N' -nitro-N-		
isomers	—	October 1, 1989	nitrosoguanidine	70257	April 1, 1988
Lynestrenol	52766	February 27, 2001	N-Methylolacrylamide	924425	July 1, 1990
Mancozeb	8018017	January 1, 1990	Methylthiouracil	56042	October 1, 1989
Maneb	12427382	January 1, 1990	Metiram	9006422	January 1, 1990
Me-A-alpha-C (2-Amino-			Metronidazole	443481	January 1, 1988
3-methyl-9H-pyrido			Michler's ketone	90948	January 1, 1988
[2,3-b]indole)	68006837	January 1, 1990	Mirex	2385855	January 1, 1988
Medroxyprogesterone			Mitomycin C	50077	April 1, 1988
acetate	71589	January 1, 1990	Monocrotaline	315220	April 1, 1988

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 32-Z

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>	<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
5-(Morpholinomethyl)-3- [(5-nitro-furfurylidene)- amino] -2-oxazolidinone	139913	April 1, 1988	Nitrogen mustard N-oxide	126852	April 1, 1988
Mustard Gas	505602	February 27, 1987	Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988
MX (3-chloro-4- (dichloromethyl)-5- hydroxy-2(5H)- furanone)	77439760	December 22, 2000	Nitromethane	75525	May 1, 1997
Nafenopin	3771195	April 1, 1988	2-Nitropropane	79469	January 1, 1988
Nalidixic acid	389082	May 15, 1998	1-Nitropyrene	5522430	October 1, 1990
Naphthalene	91203	April 19, 2002	4-Nitropyrene	57835924	October 1, 1990
1-Naphthylamine	134327	October 1, 1989	N-Nitrosodi-n- butylamine	924163	October 1, 1987
2-Naphthylamine	91598	February 27, 1987	N-Nitrosodi- ethanolamine	1116547	January 1, 1988
Nickel (Metallic)	7440020	October 1, 1989	N-Nitrosodiethylamine	55185	October 1, 1987
Nickel acetate	373024	October 1, 1989	N-Nitrosodimethylamine	62759	October 1, 1987
Nickel carbonate	3333673	October 1, 1989	p-Nitrosodiphenylamine	156105	January 1, 1988
Nickel carbonyl	13463393	October 1, 1987	N-Nitrosodiphenylamine	86306	April 1, 1988
Nickel compounds	—	May 7, 2004	N-Nitrosodi-n- propylamine	621647	January 1, 1988
Nickel hydroxide	12054487; 12125563	October 1, 1989	N-Nitroso-N-ethylurea	759739	October 1, 1987
Nickelocene	1271289	October 1, 1989	3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990
Nickel oxide	1313991	October 1, 1989	4-(N-Nitrosomethylamino)- 1-(3-pyridyl) 1-butanone	64091914	April 1, 1990
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	N-Nitrosomethylethyl- amine	10595956	October 1, 1989
Nickel subsulfide	12035722	October 1, 1987	N-Nitroso-N-methylurea	684935	October 1, 1987
Niridazole	61574	April 1, 1988	N-Nitroso-N-methyl- urethane	615532	April 1, 1988
Nitrapyrin	1929824	October 5, 2005	N-Nitrosomethylvinyl- amine	4549400	January 1, 1988
Nitriлотriacetic acid	139139	January 1, 1988	N-Nitrosomorpholine	59892	January 1, 1988
Nitriлотriacetic acid, trisodium salt monohydrate	18662538	April 1, 1989	N-Nitrosornicotine	16543558	January 1, 1988
5-Nitroacenaphthene	602879	April 1, 1988	N-Nitrosopiperidine	100754	January 1, 1988
5-Nitro-o-anisidine	99592	October 1, 1989	N-Nitrosopyrrolidine	930552	October 1, 1987
o-Nitroanisole	91236	October 1, 1992	N-Nitrososarcosine	13256229	January 1, 1988
Nitrobenzene	98953	August 26, 1997	o-Nitrotoluene	88722	May 15, 1998
4-Nitrobiphenyl	92933	April 1, 1988	Norethisterone (Norethindrone)	68224	October 1, 1989
6-Nitrochrysene	7496028	October 1, 1990	Norethynodrel	68235	February 27, 2001
Nitrofen (technical grade)	1836755	January 1, 1988	Ochratoxin A	303479	July 1, 1990
2-Nitrofluorene	607578	October 1, 1990	Oil Orange SS	2646175	April 1, 1988
Nitrofurazone	59870	January 1, 1990	Oral contraceptives, combined	—	October 1, 1989
1-[(5-Nitrofurfurylidene)- amino]-2- imidazolidinone	555840	April 1, 1988	Oral contraceptives, sequential	—	October 1, 1989
N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988	Oxadiazon	19666309	July 1, 1991
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Oxazepam	604751	October 1, 1994
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	Oxymetholone	434071	January 1, 1988
			Oxythioquinox	2439012	August 20, 1999
			Palygorskite fibers (> 5µm in length)	12174117	December 28, 1999
			Panfuran S	794934	January 1, 1988
			Pentachlorophenol	87865	January 1, 1990
			Phenacetin	62442	October 1, 1989
			Phenazopyridine	94780	January 1, 1988

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 32-Z

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>	<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Phenazopyridine hydrochloride	136403	January 1, 1988	Saccharin <u>Delisted April 6, 2001</u>	81072	October 1, 1989
Phenesterin	3546109	July 1, 1989	Saccharin, sodium <u>Delisted January 17, 2003</u>	128449	January 1, 1988
Phenobarbital	50066	January 1, 1990	Safrole	94597	January 1, 1988
Phenolphthalein	77098	May 15, 1998	Salicylazosulfapyridine	599791	May 15, 1998
Phenoxybenzamine	59961	April 1, 1988	Selenium sulfide	7446346	October 1, 1989
Phenoxybenzamine hydrochloride	63923	April 1, 1988	Shale-oils	68308349	April 1, 1990
o-Phenylenediamine and its salts	95545	May 15, 1998	Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Phenyl glycidyl ether	122601	October 1, 1990	Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Phenylhydrazine and its salts	—	July 1, 1992	Spirolactone	52017	May 1, 1997
o-Phenylphenate, sodium	132274	January 1, 1990	Stanozolol	10418038	May 1, 1997
o-Phenylphenol	90437	August 4, 2000	Sterigmatocystin	10048132	April 1, 1988
PhiP(2-Amino-1-methyl-6-phenylimidazol [4,5-b]pyridine)	105650235	October 1, 1994	Streptozotocin (streptozocin)	18883664	January 1, 1988
Polybrominated biphenyls	—	January 1, 1988	Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Polychlorinated biphenyls	—	October 1, 1989	Styrene oxide	96093	October 1, 1988
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	Sulfallate	95067	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	Talc containing asbestiform fibers	—	April 1, 1990
Polychlorinated dibenzofurans	—	October 1, 1992	Tamoxifen and its salts	10540291	September 1, 1996
Polygeenan	53973981	January 1, 1988	Terrazole	2593159	October 1, 1994
Ponceau MX	3761533	April 1, 1988	Testosterone and its esters	58220	April 1, 1988
Ponceau 3R	3564098	April 1, 1988	2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
Potassium bromate	7758012	January 1, 1990	1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Primidone	125337	August 20, 1999	Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
Procarbazine	671169	January 1, 1988	p-a,a,a-Tetrachlorotoluene	5216251	January 1, 1990
Procarbazine hydrochloride	366701	January 1, 1988	Tetrafluoroethylene	116143	May 1, 1997
Procymidone	32809168	October 1, 1994	Tetranitromethane	509148	July 1, 1990
Progesterone	57830	January 1, 1988	Thioacetamide	62555	January 1, 1988
Pronamide	23950585	May 1, 1996	4,4'-Thiodianiline	139651	April 1, 1988
Propachlor	1918167	February 27, 2001	Thiodicarb	59669260	August 20, 1999
1,3-Propane sultone	1120714	January 1, 1988	Thiouracil	141902	June 11, 2004
Propargite	2312358	October 1, 1994	Thiourea	62566	January 1, 1988
beta-Propiolactone	57578	January 1, 1988	Thorium dioxide	1314201	February 27, 1987
Propoxur	114261	August 11, 2006	Tobacco, oral use of smokeless products	—	April 1, 1988
Propylene glycol mono-t-butyl ether	57018527	June 11, 2004	Tobacco smoke	—	April 1, 1988
Propylene oxide	75569	October 1, 1988	Toluene diisocyanate	26471625	October 1, 1989
Propylthiouracil	51525	January 1, 1988	ortho-Toluidine	95534	January 1, 1988
Pyridine	110861	May 17, 2002	ortho-Toluidine hydrochloride	636215	January 1, 1988
Quinoline and its strong acid salts	—	October 24, 1997	para-Toluidine	—	Delisted October 29, 1999
Radionuclides	—	July 1, 1989		106490	January 1, 1990
Reserpine	50555	October 1, 1989			
Residual (heavy) fuel oils	—	October 1, 1990			
Riddelliine	23246960	December 3, 2004			

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Treosulfan	299752	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Trichloroethylene	79016	April 1, 1988
2,4,6-Trichlorophenol	88062	January 1, 1988
1,2,3-Trichloropropane	96184	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76879	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Tris(2,3-dibromopropyl) phosphate	126727	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Trypan blue (commercial grade)	72571	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66751	April 1, 1988
Urethane (Ethyl carbamate)	51796	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314621	February 11, 2005
Vinclozolin	50471448	August 20, 1999
Vinyl bromide	593602	October 1, 1988
Vinyl chloride	75014	February 27, 1987
4-Vinylcyclohexene	100403	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
<u>Zineb Delisted October 29, 1999</u>	12122677	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990
Atenolol	developmental	29122687	August 26, 1997
Auranofin	developmental	34031328	January 29, 1999
Azathioprine	developmental	446866	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534098	May 15, 1998
Benomyl	developmental, male	17804352	July 1, 1991
Benzene	developmental, male	71432	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990
Bromacil lithium salt	developmental, male	53404196	May 18, 1999
1-Bromopropane	developmental, female, male	106945	January 17, 2003
2-Bromopropane	female, male	75263	May 31, 2005
Bromoxynil	developmental	1689845	October 1, 1990
Bromoxynil octanoate	developmental	1689992	May 18, 1999
Butabarbital sodium	developmental	143817	October 1, 1992
1,3-Butadiene	developmental, female, male	106990	April 16, 2004

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 32-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Butyl benzyl phthalate (BBP)	developmental	85687	December 2, 2005	Diazepam	developmental	439145	January 1, 1992
Cadmium	developmental, male	—	May 1, 1997	Diazoxide	developmental	364987	February 27, 2001
Carbamazepine	developmental	298464	January 29, 1999	1,2-Dibromo-3- chloropropane (DBCP)	male	96128	February 27, 1987
Carbon disulfide	developmental, female, male	75150	July 1, 1989	Di- <i>n</i> -butyl phthalate (DBP)	developmental, female, male	84742	December 2, 2005
Carbon monoxide	developmental	630080	July 1, 1989	Dichlorophene	developmental	97234	April 27, 1999
Carboplatin	developmental	41575944	July 1, 1990	Dichlorophenamide	developmental	120978	February 27, 2001
Chenodiol	developmental	474259	April 1, 1990	Diclofop methyl	developmental	51338273	March 5, 1999
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	Dicumarol	developmental	66762	October 1, 1992
Chlorambucil	developmental	305033	January 1, 1989	Di(2-ethylhexyl) phthalate (DEHP)	developmental, male	117817	October 24, 2003
Chlorcyclizine	developmental	1620219	July 1, 1987	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Chlordecone (Kepone)	developmental	143500	January 1, 1989	Diflunisal	developmental, female	22494424	January 29, 1999
Chlordiazepoxide	developmental	58253	January 1, 1992	Di- <i>n</i> -hexyl phthalate (DnHP)	female, male	84753	December 2, 2005
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
1-(2-Chloroethyl)-3- cyclohexyl-1- nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	<i>m</i> -Dinitrobenzene	male	99650	July 1, 1990
Cidofovir	developmental, female, male	113852372	January 29, 1999	<i>o</i> -Dinitrobenzene	male	528290	July 1, 1990
Cladribine	developmental	4291638	September 1, 1996	<i>p</i> -Dinitrobenzene	male	100254	July 1, 1990
Clarithromycin	developmental	81103119	May 1, 1997	2,4-Dinitrotoluene	male	121142	August 20, 1999
Clobetasol propionate	developmental, female	25122467	May 15, 1998	2,6-Dinitrotoluene	male	606202	August 20, 1999
Clomiphene citrate	developmental	50419	April 1, 1990	Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Dinocap	developmental	39300453	April 1, 1990
Cocaine	developmental, female	50362	July 1, 1989	Dinoseb	developmental, male	88857	January 1, 1989
Codeine phosphate	developmental	52288	May 15, 1998	Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
Colchicine	developmental, male	64868	October 1, 1992	Disodium cyanodithio- imidocarbonate	developmental	138932	March 30, 1999
Conjugated estrogens	developmental	—	April 1, 1990	Doxorubicin hydrochloride (Adriamycin)	developmental, male	23214928	January 29, 1999
Cyanazine	developmental	21725462	April 1, 1990	Doxycycline (internal use)	developmental	564250	July 1, 1990
Cycloate	developmental	1134232	March 19, 1999	Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
Cyclohexanol	male	408930	November 6, 1998	Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
Delisted January 25, 2002				Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
Cycloheximide	developmental	66819	January 1, 1989	Endrin	developmental	72208	May 15, 1998
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989	Epichlorohydrin	male	106898	September 1, 1996
Cyhexatin	developmental	13121705	January 1, 1989	Ergotamine tartrate	developmental	379793	April 1, 1990
Cytarabine	developmental	147944	January 1, 1989	Estropipate	developmental	7280377	August 26, 1997
Dacarbazine	developmental	4342034	January 29, 1989	Ethionamide	developmental	536334	August 26, 1997
Danazol	developmental	17230885	April 1, 1990	Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990	Ethyl dipropylthio- carbamate	developmental	759944	April 27, 1999
2,4-D butyric acid	developmental, male	94826	June 18, 1999	Ethylene dibromide	developmental, male	106934	May 15, 1998
o,p' -DDT	developmental, female, male	789026	May 15, 1998	Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
p,p' -DDT	developmental, female, male	50293	May 15, 1998	Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
2,4DP(dichloroprop)	developmental	120365	April 27, 1999				
Delisted January 25, 2002							

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 32-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993	Meprobamate	developmental	57534	January 1, 1992
Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993	Mercaptopurine	developmental	6112761	July 1, 1990
Ethylene oxide	female	75218	February 27, 1987	Mercury and mercury compounds	developmental	—	July 1, 1990
Ethylene thiourea	developmental	96457	January 1, 1993	Methacycline hydrochloride	developmental	3963959	January 1, 1991
Etodolac	developmental, female	41340254	August 20, 1999	Metham sodium	developmental	137428	May 15, 1998
Etoposide	developmental	33419420	July 1, 1990	Methazole	developmental	20354261	December 1, 1999
Etretinate	developmental	54350480	July 1, 1987	Methimazole	developmental	60560	July 1, 1990
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Methotrexate	developmental	59052	January 1, 1989
Filgrastim	developmental	121181531	February 27, 2001	Methotrexate sodium	developmental	15475566	April 1, 1990
Fluazifop butyl	developmental	69806504	November 6, 1998	Methyl bromide	developmental	74839	January 1, 1993
Flunisolide	developmental, female	3385033	May 15, 1998	as a structural fumigant			
Fluorouraci	developmental	51218	January 1, 1989	Methyl chloride	developmental	74873	March 10, 2000
Fluoxymesterone	developmental	76437	April 1, 1998	Methyl mercury	developmental	—	July 1, 1987
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	N-Methylpyrrolidone	developmental	872504	June 15, 2001
Flurbiprofen	developmental, female	5104494	August 20, 1999	Methyltestosterone	developmental	58184	April 1, 1990
Flutamide	developmental	13311847	July 1, 1990	Metiram	developmental	9006422	March 30, 1999
Fluticasone propionate	developmental	80474142	May 15, 1998	Midazolam hydrochloride	developmental	59467968	July 1, 1990
Fluvalinate	developmental	69409945	November 6, 1998	Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Misoprostol	developmental	59122462	April 1, 1990
Gemfibrozil	female, male	25812300	August 20, 1999	Mitoxantrone	developmental	70476823	July 1, 1990
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nickel carbonyl hydrochloride			
Halazepam	developmental	23092173	July 1, 1990	Myclobutanil	developmental, male	88671890	April 16, 1999
Halobetasol propionate	developmental	66852548	August 20, 1999	Nabam	developmental	142596	March 30, 1999
Haloperidol	developmental, female	52868	January 29, 1999	Nafarelin acetate	developmental	86220420	April 1, 1990
Halothane	developmental	151677	September 1, 1996	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Heptachlor	developmental	76448	August 20, 1999	Netilmicin sulfate	developmental	56391572	July 1, 1990
Hexachlorobenzene	developmental	118741	January 1, 1989	Nickel carbonyl	developmental	13463393	September 1, 1996
Hexamethylphosphoramide	male	680319	October 1, 1994	Nicotine	developmental	54115	April 1, 1990
Histrelin acetate	developmental	—	May 15, 1998	Nifedipine	developmental, female, male	21829254	January 29, 1999
Hydramethylnon	developmental, male	67485294	March 5, 1999	Nimodipine	developmental	66085594	April 24, 2001
Hydroxyurea	developmental	127071	May 1, 1997	Nitrapyrin	developmental	1929824	March 30, 1999
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Nitrofurantoin	male	67209	April 1, 1991
Ifosfamide	developmental	3778732	July 1, 1990	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Iodine-131	developmental	10043660	January 1, 1989	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Isotretinoin	developmental	4759482	July 1, 1987	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Lead	developmental, female, male	—	February 27, 1987	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Levodopa	developmental	59927	January 29, 1999	Norethisterone (Norethindrone) /Mestranol	developmental	68224/72333	April 1, 1990
Levonorgestrel implants	female	797637	May 15, 1998	Norgestrel	developmental	6533002	April 1, 1990
Linuron	developmental	330552	March 19, 1999	Oxadiazon	developmental	19666309	May 15, 1998
Lithium carbonate	developmental	554132	January 1, 1991	Oxazepam	developmental	604751	October 1, 1992
Lithium citrate	developmental	919164	January 1, 1991	Oxydemeton methyl	female, male	301122	November 6, 1998
Lorazepam	developmental	846491	July 1, 1990	Oxymetholone	developmental	434071	May 1, 1997
Lovastatin	developmental	75330755	October 1, 1992	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Mebendazole	developmental	31431397	August 20, 1999	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Medroxyprogesterone acetate	developmental	71589	April 1, 1990				
Megestrol acetate	developmental	595335	January 1, 1991				
Melphalan	developmental	148823	July 1, 1990				
Menotropins	developmental	9002680	April 1, 1990				

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Paclitaxel	developmental, female, male	33069624	August 26, 1997	Tetracycline (internal use)	developmental	60548	October 1, 1991
Paramethadione	developmental	115673	July 1, 1990	Tetracyclines (internal use)	developmental	—	October 1, 1992
Penicillamine	developmental	52675	January 1, 1991	Tetracycline	developmental	64755	January 1, 1991
Pentobarbital sodium	developmental	57330	July 1, 1990	hydrochloride (internal use)	developmental	50351	July 1, 1987
Pentostatin	developmental	53910251	September 1, 1996	Thioguanine	developmental	154427	July 1, 1990
Phenacemide	developmental	63989	July 1, 1990	Thiophanate methyl	female, male	23564058	May 18, 1999
Phenprocoumon	developmental	435972	October 1, 1992	Tobacco smoke	developmental, female, male	—	April 1, 1988
Pimozide	developmental, female	2062784	August 20, 1999	(primary)	female, male	49842071	July 1, 1990
Pipobroman	developmental	54911	July 1, 1990	Tobramycin sulfate	developmental	108883	January 1, 1991
Plicamycin	developmental	18378897	April 1, 1990	Toluene	developmental	43121433	March 30, 1999
Polybrominated biphenyls	developmental	—	October 1, 1994	Triadimefon	developmental, female, male	28911015	April 1, 1990
Polychlorinated biphenyls	developmental	—	January 1, 1991	Triazolam	developmental	2155706	December 1, 1999
Potassium dimethyldithio- carbamate	developmental	128030	March 30 1999	Tributyltin methacrylate	developmental	38260014	February 27, 2001
Pravastatin sodium	developmental	81131706	March 3, 2000	Trientine hydrochloride	developmental	26644462	June 18, 1999
Prednisolone sodium phosphate	developmental	125020	August 20, 1999	Triforine	developmental	13647353	April 1, 1990
Procarbazine	developmental	366701	July 1, 1990	Trilostane	developmental	127480	January 1, 1991
Propargite	developmental	2312358	June 15, 1999	Trimethadione	developmental	82952645	August 26, 1997
Propylthiouracil	developmental	51525	July 1, 1990	Trimetrexate glucuronate	developmental	76879	March 18, 2002
Pyrimethamine	developmental	58140	January 29, 1999	Triphenyltin hydroxide	developmental, female, male	66751	January 1, 1992
Quazepam	developmental	36735225	August 26, 1997	Urethane	developmental	51796	October 1, 1994
Quizalofop-ethyl	male	76578148	December 24, 1999	Urofollitropin	developmental	97048130	April 1, 1990
Resmethrin	developmental	10453868	November 6, 1998	Valproate (Valproic acid)	developmental	99661	July 1, 1987
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989	Vinblastine sulfate	developmental	143679	July 1, 1990
Ribavirin	developmental male	36791045	April 1, 1990	Vinclozolin	developmental	50471448	May 15, 1998
Rifampin	developmental, female	13292461	February 27, 2001	Vincristine sulfate	developmental	2068782	July 1, 1990
Secobarbital sodium	developmental	309433	October 1, 1992	Warfarin	developmental	81812	July 1, 1987
Sermorelin acetate	developmental	—	August 20, 1999	Zileuton	developmental, female	111406872	December 22, 2000
Sodium dimethyl- dithiocarbamate	developmental	128041	March 30 1999				
Sodium fluoroacetate	male	62748	November 6, 1998				
Streptomycin sulfate	developmental	3810740	January 1, 1991				
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999				
Sulfasalazine	male	599791	January 29, 1999				
Sulindac	developmental, female	38194502	January 29, 1999				
Tamoxifen citrate	developmental	54965241	July 1, 1990				
Temazepam	developmental	846504	April 1, 1990				
Teniposide	developmental	29767202	September 1, 1996				
Terbacil	developmental	5902512	May 18, 1999				
Testosterone cypionate	developmental	58208	October 1, 1991				
Testosterone enanthate	developmental	315377	April 1, 1990				
2,3,7,8-Tetrachlorodi- benzo-para-dioxin (TCDD)	developmental	1746016	April 1, 1991				

Date: August 11, 2006

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE TO INTERESTED PARTIES August 11, 2006

CHEMICAL LISTED EFFECTIVE August 11, 2006 AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER

CORRECTION TO THE LISTING OF DOXORUBICIN HYDROCHLORIDE (ADRIAMYCIN)

The Office of Environmental Health Hazard Assess-
ment (OEHHA) of the California Environmental

Protection Agency is adding *propoxur* (CAS No. 114-26-1) to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹). The listing of *propoxur* is effective **August 11, 2006**.

Propoxur (CAS No. 114-26-1) is being listed as a chemical known to the State of California to cause cancer. The listing of this chemical is based on formal identification by an authoritative body (i.e., the U.S. Environmental Protection Agency ("U.S. EPA"), that the chemical causes cancer. The criteria used by OEHHA for the listing of chemicals under the "authoritative bodies" mechanism can be found in Title 22, Cal. Code of Regs., section 12306.

The reader is directed to the Notice of Intent to List *propoxur* (CAS No. 114-26-1) published in the November 25, 2005, issue of the *California Regulatory Notice Register* (Register 2005, No. 47-Z) for the documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical. The listing of the chemical *iprovalicarb*, which was included in the November 25, 2005 Notice of Intent to List, is still under consideration and will be the subject of a future public notice. One public comment was received on the proposed listing of *propoxur* during the 30-day comment period that closed on January 9, 2006.

OEHHA analyses of dose-response data to establish the no significant risk level (NSRL) for *propoxur* (CAS No. 114-26-1) under Proposition 65 have not yet been conducted. The priority status for the development of such analyses will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

OEHHA is also making correction to the listing of the chemical *adriamycin* (doxorubicin hydrochloride) (CAS No. 23214-92-8). *Adriamycin* (doxorubicin hydrochloride) was listed as a chemical known to cause cancer on July 1, 1987. It was also listed as known to cause developmental and male reproductive toxicity under the name of *doxorubicin hydrochloride* on January 29, 1999. Since it is the same chemical with the same CAS number but has two different names, the chemical will be correctly listed as *doxorubicin hydrochloride* (*adriamycin*) for the endpoints of cancer, developmental and male reproductive toxicity. The effective dates of the listing of the chemical under the three endpoints remain the same.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

¹ Health and Safety Code section 25249.5 et seq.

Cancer

Chemical	CAS No.	Toxicological Endpoints	Listing Mechanism
Propoxur	114-26-1	cancer	AB ²
Doxorubicin hydrochloride (Adriamycin)	23214-92-8	cancer	SQE ³

Reproductive toxicity

Chemical	CAS No.	Toxicological Endpoints	Listing Mechanism
Doxorubicin hydrochloride (Adriamycin)	23214-92-8	developmental, male	FR ⁴

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EDUCATION

Physical Fitness Test (PFT)

This regulatory action updates existing regulations to reflect statutory changes regarding the Physical Fitness Test (PFT) which is required for each pupil in grades 5, 7 and 9. It adds definitions, test administration and data requirements, testing variations, accommodations and modifications for students with exceptional needs. It incorporates by reference a manual entitled *Fitnessgram Activitygram Test Administration Manual*, Updated Third Edition, which describes administration of the PFT and applicable standards.

² Listing mechanism: AB — "authoritative bodies" mechanism (Title 22, Cal. Code of Regs. Section 12306).

³ Listing mechanism: SQE — "state's qualified experts" mechanism (22 Cal. Code of Regs. Section 12305(b)(1)).

⁴ Listing mechanism: FR — "formally required to be labeled or identified" mechanism (22 Cal. Code of Regs. Section 12902).

Title 5

California Code of Regulations

ADOPT: 1043.2, 1043.4, 1043.6, 1043.8, 1043.10,
1047, 1048 AMEND: 1040, 1041, 1043, 1044

REPEAL: 1042, 1045, 1046

Filed 07/31/06

Effective 08/30/06

Agency Contact: Debra Strain (916) 319-0641

BOARD OF EQUALIZATION

Medicines and Medical Devices

Existing section 1591 of title 18 of the California Code of Regulations provides that sales tax does not apply to sale and use of medicines when sold or furnished under specified conditions. This regulatory action would add a new subsection (a)(9)(A) to section 1591 providing that "medicines" includes products fully implanted or injected in the human body, or drugs or biologics, when such are approved by the U.S. Food and Drug Administration to diagnose, cure, mitigate, treat or prevent illness or medical condition regardless of ultimate use.

Title 18

California Code of Regulations

AMEND: 1591

Filed 07/27/06

Effective 08/26/06

Agency Contact: Diane G. Olson (916) 322-9569

BUREAU OF AUTOMOTIVE REPAIR

Consumer Assistance Program Eligibility

The Bureau of Automotive Repair ("BAR") administers and implements the Consumer Assistance Program, which includes a Repair Assistance option and a Vehicle Retirement option, related to emissions testing. The Repair Assistance option offers financial assistance to eligible individuals whose vehicles failed a biennial Smog Check inspection and whose household income falls at or below a certain percentage of the federal poverty guideline. Alternatively, the Repair Assistance program assists those individuals whose vehicles have been directed to a Test-Only Smog Check station and failed the emissions test. This rulemaking action makes additional consumers available for the Consumer Assistance Program ("CAP") by raising the maximum household income eligibility level from 185% of the federal poverty guideline to 225%, as authorized by Assembly Bill 383 (Chapter 565, Stats. 2005). This will make more funds available to consumers to fix or retire vehicles that do not meet current emissions requirements, provided other conditions are met, resulting in more vehicles meeting emissions standards or being retired, which leads to cleaner air. The regulatory package also makes revisions implementing the new income eli-

gibility level and several grammatical changes to the CAP application form. AB 383 also provided an expiration date for the increased eligibility of January 1, 2009.

Title 16

California Code of Regulations

AMEND: 3394.4, 3394.6

Filed 07/31/06

Effective 07/31/06

Agency Contact: James Allen (916) 255-4300

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

California Welcome Center

The Office of Tourism under BTHA is adopting several regulations within title 10 dealing with the establishment and maintenance of California Welcome Centers. These centers are a network of visitor information centers designed to encourage tourism to the state of California. These regulations are designed to establish procedures for maintaining existing centers and to establish new centers throughout the state. The regulations provide definitions of terms used in connection to the Welcome Center program and the criteria necessary to be eligible for the designation as a Welcome Center. They also specify the application process and the general information required. The fee is also outlined and what is necessary in the proposal plan. The regulations outline the continuing responsibility of California Welcome Centers including an annual maintenance fee and training. Finally the regulations detail how a designation can be lost and the appeal process available in cases of revocation.

Title 10

California Code of Regulations

ADOPT: 5370, 5371, 5372, 5373, 5374, 5375, 5376,
5377

Filed 08/01/06

Effective 08/31/06

Agency Contact: Terri Toohey (916) 324-3787

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

Metal Plating Facility Loan Guarantees

Business, Transportation, and Housing Agency proposes adoption of regulations to establish a loan guarantee program to assist metal plating facilities purchase environmental control equipment or technologies needed to comply with upcoming emissions requirements, or to exceeding existing ones. This program is authorized pursuant to AB 721 (Stats. 2005, ch. 695). This action was submitted to the Office of Administrative Law on 7/17/06 as a deemed emergency under Public Resources Code sec. 42106.

Title 10
California Code of Regulations
ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286
Filed 07/26/06
Effective 07/26/06
Agency Contact: Glenn Stober (916) 324-9538

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Certification Criteria for Self-Paced Training

This action updates definitions, standards, procedures and forms for POST course certification in order to include provision for self-paced training courses.

Title 11
California Code of Regulations
AMEND: 1001, 1005, 1008, 1011, 1014, 1015, 1018, 1052, 1053, 1055, 1056, 1081 and Procedures D-1, D-2, D-10 E-1, F-1, and F-6
Filed 07/27/06
Effective 08/26/06
Agency Contact: Patricia Cassidy (916) 227-4847

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Inmate Grooming-Religious Programs

This regulatory action is to allow male and female inmates to maintain their hair at any length, not to extend over the eyebrow or cover the inmate's face along with certain other requirements; to establish and define a religious review committee; and to allow inmates a reasonable accommodation to attend a scheduled religious service if they are unable to do so due to conflicts with other elements of their program. This action is necessary to create less restrictive grooming standards and provide for reasonable accommodation in order to balance the interests of security with the mandates of the Religious Land Use and Institutionalized Persons Act (RLUIPA). This is a Certification of Compliance for an operational necessity emergency.

If emergency regulations, briefly summarize the facts justifying the need for immediate action

Title 15
California Code of Regulations
AMEND: 3000, 3062, 3075, 3210
Filed 07/27/06
Effective 07/27/06
Agency Contact: Ann Cunningham (916) 358-1959

DEPARTMENT OF FOOD AND AGRICULTURE Oriental Fruit Fly Eradication Area

This emergency regulatory action adds the county of Santa Barbara to the list of counties already proclaimed

to be eradication areas with respect to the Oriental fruit fly, "*Bactrocera dorsalis*."

Title 3
California Code of Regulations
AMEND: 3591.2(a)
Filed 07/28/06
Effective 07/28/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE Gypsy Moth Eradication Area

This regulatory action adds San Mateo County to the list of counties proclaimed to be eradication areas for gypsy moth (*Lymantria dispar*). It provides authority for the state to perform control and eradication activities against this seriously destructive pest which devours fruit, forest and shade trees.

Title 3
California Code of Regulations
AMEND: 3591.6(a)
Filed 08/01/06
Effective 08/01/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE Bactrocera Zonata Interior Quarantine

A previous emergency regulation established a quarantine in the subject area. Now that the fly has been eradicated there, it is no longer necessary to regulate the movement of hosts and possible carriers of the fly from this area. If these restrictions were continued it would create an unnecessary burden on the general public and businesses in the area. Host crops are being or will soon be harvested and commercially produced host crops would have to be treated or would not be allowed movement from the area if the restrictions were continued. Also, members of the public who have grown host fruits and vegetables would be required to process the commodities before the fruits and vegetables could be moved or given away or have to destroy the host fruits and vegetables.

Title 3
California Code of Regulations
AMEND: 3424 (b)
Filed 08/01/06
Effective 08/01/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE Oak Mortality Disease Control

This emergency action will regulate new "hosts" and "associated hosts" in compliance with a federal order to arrest the artificial spread of oak mortality disease.

Title 3
California Code of Regulations
AMEND: 3700(c)
Filed 07/26/06
Effective 08/01/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HEALTH SERVICES
Exempt Radioactive Products

The Radiation Control Law (Health & Saf. Code section 114960-115273), requires the Department of Health Services ("DHS") to develop programs for licensing and regulating radioactive materials. This regular rulemaking by DHS amends section 30180 of the California Code of Regulations, to adopt the prohibition of commercial distribution of certain materials to ensure compatibility with the Nuclear Regulatory Commission's changes in title 10 of the Code of Federal Regulations, section 30.21. This amendment also makes corrections due to typographical errors in other sections and to reflect the 1995 recodification of the Health and Safety Code.

Title 17
California Code of Regulations
AMEND: 30180, 30235, 30237
Filed 07/28/06
Effective 08/27/06
Agency Contact: Cathy Ruebusch (916) 440-7841

DEPARTMENT OF HEALTH SERVICES
Public Notification of Drinking Water Violations

This rulemaking action incorporates revisions made in May 2000 to the public notification requirements by the U.S. Environmental Protection Agency for drinking water violations and proposes except where the federal requirements are not as stringent as existing state requirements.

Title 22
California Code of Regulations
ADOPT: 64401.71, 64401.72, 64401.73, 64463, 64463.1, 64463.4, 64465, 64466 AMEND: 64426.1, 664432.1, 64451, 64453, 64481, 64482, 64483, 64666 REPEAL: 64463.2, 64464.1, 64464.3, 64464.6, 64465, 64466, 64467, 64467.5, 64468.1, 64468.2, 64468.3, 64468.4,
Filed 08/02/06
Effective 09/01/06
Agency Contact: Don Lee (916) 440-7673

DEPARTMENT OF INSURANCE
Workers' Compensation Fraud

This action is the first emergency readoption of amendments to the Workers' Compensation Anti-

Fraud Program regulations. The readopted amendments eliminate the required 5% funding reserve, change semi-annual funding to annual funding, and eliminate one of three accounting methods used to calculate indirect costs in a grant application. This emergency readoption is a statutory emergency under the provisions of Insurance Code section 1872.83(g).

Title 10
California Code of Regulations
AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
Filed 07/28/06
Effective 07/28/06
Agency Contact: Debra Chaum (415) 538-4115

DEPARTMENT OF MOTOR VEHICLES
Commercial Vehicle Weight Decals

This regulatory action establishes where to affix the weight decals on a vehicle 10,001 pounds or more if the vehicle has sliding doors and an option of affixing the decals to plaques mounted in a specified place. This amendment also establishes where on a school bus to affix the weight decals.

Title 13
California Code of Regulations
AMEND: 154.00
Filed 07/28/06
Effective 08/27/06
Agency Contact: Randi Calkins (916) 657-8898

DEPARTMENT OF PARKS AND RECREATION
OHMVR Grant & Cooperative Agreement Program

This is a readopt of emergency regulations that deal with local assistance grants, grants to nonprofit organizations and education institutions, and cooperative agreements with federal agencies and federally recognized Native American tribes by the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the Department of Parks and Recreation. These regulations will govern applications submitted on or after January 1, 2006. The regulations include definitions, application requirements, types of projects, and specific application and content requirements for the individual projects, environmental impact reporting requirements, wildlife habitat protection program (WHPP)/habitat management program (HMP) and soil conservation requirements, match requirements, and accounting, audits and annual performance reviews. This emergency regulatory action also incorporates by reference the Manual for Off-Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Nonprofit Organizations and Educational Institutions, and Cooperative Agreements Program, dated March 2006, which includes among other regulatory provisions: application instructions, application evaluation criteria and point

scoring system, approval of applications, and project administration procedures.

Title 14

California Code of Regulations

ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72

Filed 07/31/06

Effective 07/31/06

Agency Contact: Janelle Miller (916) 324-2350

DEPARTMENT OF PARKS AND RECREATION

OHMVR Grant & Cooperative Agreement Program

This is a readopt of emergency regulations (OAL file nos. 06-0324-02EE, 05-0401-22ER, 05-0729-04EE, and 05-1128-05EE) that deal with local assistance grants, grants to nonprofit organizations and education institutions, and cooperative agreements with federal agencies and federally recognized Native American tribes by the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the Department of Parks and Recreation. These regulations include definitions, application requirements, types of projects, and specific application and content requirements for the individual projects, environmental impact reporting requirements, wildlife habitat protection program (WHPP)/habitat management program (HMP) and soil conservation requirements, match requirements, and accounting, audits and annual performance reviews. This emergency regulatory action also incorporates by reference the Manual for Off-Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Nonprofit Organizations and Educational Institutions, and Cooperative Agreements Program, dated April 2005, which includes among other regulatory provisions: application instructions, application evaluation criteria and point scoring system, approval of applications, and project administration procedures. These regulations apply only to grant and cooperative agreement applications received by the Division before January 1, 2006.

Title 14

California Code of Regulations

ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01

REPEAL: 4970.02, 4970.03, 4970.04

Filed 07/31/06

Effective 07/31/06

Agency Contact: Janelle Miller (916) 324-2350

DEPARTMENT OF REAL ESTATE

Miscellaneous Real Estate Regulations

This action establishes a list of the information relating to housing that must be filed with the Department as part of an application for the public report required by Business and Professions Code section 11010, in connection with offering subdivided lands for sale or lease.

Title 10

California Code of Regulations

ADOPT: 2790.7

Filed 08/02/06

Effective 09/01/06

Agency Contact: David B. Seals (916) 227-0789

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Registered Environmental Assessors I/II Program

This action without regulatory affect moves regulations from Title 14 to Title 22 and renumbers them pursuant to SB1011 (Ch. 626, Stats. 2002) which transferred the Registered Environmental Assessor Program from the Office of Environmental Health Hazard Assessment (EHHA) to the Department of Toxic Substances Control (DTSC). It also changes references from EHHA to DTSC, from Office to Department, corrects typos and grammatical errors and makes similar non-substantive changes.

Title 14, 22

California Code of Regulations

ADOPT: 69200, 69201, 69202, 69203, 69204, 69205, 69206, 69207, 69208, 69209, 69210, 69211, 69212, 69213, 69214 REPEAL: 19030, 19031, 19032, 19033, 19034, 19035, 19036, 19037, 19038, 19039, 19040, 19041, 19042, 19043, 19044

Filed 07/27/06

Effective 08/26/06

Agency Contact: Mark Abrams (916) 322-2833

FISH AND GAME COMMISSION

Silver King Creek

An emergency regulation adopted August 18, 2005 for Silver King Creek in Alpine County between Llewellyn Falls and Snodgrass Creek to protect native Paiute cutthroat trout, which are listed as Threatened pursuant to the federal Endangered Species Act. The emergency regulation has expired. This proposed regulation would close Silver King Creek above Tamarack Lake Creek. This closure would extend approximately 3,600 feet below Llewellyn Falls rather than the approximately 6 miles below the falls that was closed by the emergency regulation.

Title 14
California Code of Regulations
ADOPT: 7.50(b)(178)
Filed 07/28/06
Effective 08/27/06
Agency Contact: Sheri Tiemann (916) 654-9872

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Heat Illness Prevention

Requires employers to provide shade and water to employees in order to avoid heat illness in outdoor places of employment. Requires employers and employees to have training in various aspects of heat injury prevention.

Title 8
California Code of Regulations
ADOPT: 3395
Filed 07/27/06
Effective 07/27/06
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Ventilation Requirements for Lab-Type Hood Operations

This action amends existing ventilation requirements for laboratory fume hoods. Among the changes made are amendments allowing the minimum average face velocity ventilation rate to be reduced to 60 feet per minute for unoccupied hoods under specified conditions and the requirement that quantitative airflow monitors be installed on hoods by January 1, 2008.

Title 8
California Code of Regulations
AMEND: 5154.1
Filed 07/31/06
Effective 08/30/06
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Sanitation of Personal Safety Devices

This Occupational Safety & Health Standards Board action revises a Construction Safety Order, Plate B-1-a, that provides for sanitization of personal safety devices and that was last amended in 1980. (Plate B-1-a is located in Title 8, Division 1, Chapter 4, Subchapter 4, Appendix B.) Current language in Plate B-1-a is outdated as it recommends use of toxic materials that are no longer appropriate for use in the cleaning of personal protective equipment. The proposal removes the toxic substances as recommended options and leaves the re-

maining options of boiling water or manufacturers' recommended practices, consistent with current industry practice and existing regulations applicable to hazardous substances and disinfecting agents.

Title 8
California Code of Regulations
AMEND: Subchapter 4, Appendix B, Plate B-1-a
Filed 07/28/06
Effective 08/27/06
Agency Contact: Marley Hart (916) 274-5721

RESOURCES AGENCY
Conflict of Interest Code

This is a Conflict of Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 14
California Code of Regulations
AMEND: 15411
Filed 07/28/06
Effective 08/27/06
Agency Contact: Mary U. Akens (916) 653-5656

**SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD**
Information Disclosure

In this regulatory action, the Speech-Language Pathology and Audiology Board adopts regulations pertaining to information disclosure to the public regarding speech-language pathologists and audiologists, including information such as licensing status, disciplinary actions, and complaint history information.

Title 16
California Code of Regulations
ADOPT: 1399.180, 1399.181, 1399.182, 1399.183, 1399.184, 1399.185, 1399.186, 1399.187
Filed 08/01/06
Effective 08/31/06
Agency Contact: Kathi Burns (916) 263-2666

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN MARCH 01, 2006 TO
AUGUST 02, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person

listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

03/28/06 AMEND: 1395
03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55

Title 2

07/24/06 AMEND: 18944
07/06/06 AMEND: 575.1, 575.2
06/20/06 AMEND: 18537
06/08/06 AMEND: 18526
05/26/06 ADOPT: 18438.5 AMEND: 18438.8
05/25/06 AMEND: 18942
05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560
05/24/06 AMEND: 433.1
05/17/06 ADOPT: 22610.1, 22610.2, 22610.3, 22610.4
05/15/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, Form SAB 50-04
05/08/06 AMEND: 18537.1
04/24/06 AMEND: 20108.70, Division 7
04/10/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
04/04/06 ADOPT: 18215.1 AMEND: 18225.4, 18428
03/14/06 ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66
03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8

Title 3

08/01/06 AMEND: 3591.6(a)
08/01/06 AMEND: 3424(b)
07/28/06 AMEND: 3591.2(a)
07/26/06 AMEND: 3700(c)
07/21/06 REPEAL: 1366
07/19/06 ADOPT: 6310 AMEND: 6170
07/18/06 ADOPT: 6960 AMEND: 6000
07/17/06 AMEND: 3591.6(a)
07/05/06 AMEND: 3591.6
07/03/06 AMEND: 3589(a)
06/28/06 AMEND: 3433(b)
06/12/06 AMEND: 3433(b)
05/23/06 ADOPT: 6580, 6582, 6584

05/23/06 ADOPT: 3424
05/19/06 AMEND: 3433(b)
05/18/06 ADOPT: 1472.7.2 AMEND: 1472, 1472.4
05/18/06 AMEND: 3591.12(a)
05/11/06 AMEND: 3591.19
04/28/06 AMEND: 1380.19, 1420.10
04/27/06 AMEND: 3406(b)
04/13/06 AMEND: 1446.4, 1454.10, 1462.10
04/11/06 AMEND: 3700(c)
04/11/06 AMEND: 3700(c)
04/10/06 AMEND: 3406(b)
03/30/06 AMEND: 3406(b)
03/28/06 AMEND: 3406(b)
03/23/06 ADOPT: 6310 AMEND: 6170
03/07/06 AMEND: 3700(c)
03/01/06 AMEND: 3406(b)

Title 4

07/19/06 AMEND: 12358, 12359
07/17/06 AMEND: 2240(e)
06/20/06 AMEND: 1472
06/01/06 AMEND: 8070(d), 8071(a)(9), 8072, 8073(c), 8074(b), 8076(c)(1)
05/18/06 ADOPT: 12358
05/05/06 AMEND: 150
03/24/06 ADOPT: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190, 10191
03/23/06 ADOPT: 10302(bb), 10305(d), 10305(e), 10315(d), 10315(j), 10320(b), 10322(e), 10325(c), 10325(c)(3)(K), 10325(c)(6), 10325(c)(8), 10325(c)(12), 10325(f)(7), 10325(f)(10), 10325(g)(5)(B)(ii), 10325(g)(5)(B)(iv), 10325(g)(5)(B)(v), 10326(g)(6), 1036(g)(7)

Title 5

07/31/06 ADOPT: 1043.2, 1043.4, 1043.6, 1043.8, 1043.10, 1047, 1048 AMEND: 1040, 1041, 1043, 1044 REPEAL: 1042, 1045, 1046
07/25/06 ADOPT: 1207.1, 1207.2 AMEND: 1204.5
07/21/06 ADOPT: 15566, 15567, 15568, 15569
07/14/06 ADOPT: 51016.5, 55183
06/12/06 ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831
06/09/06 ADOPT: 19827 AMEND: 19812, 19813, 19814, 19814.1, 19815, 19816, 19817, 19817.1, 19826, 19826.1, 19836, 19851, 19853
05/25/06 AMEND: 1074

05/16/06	ADOPT: 51025.5	1205, 1210, 1215, 1216, 1217, 1220,
05/15/06	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7	1225, 1230, 1240, 1250, 1270, 1280
05/12/06	AMEND: 19819, 19851	04/03/06 AMEND: 1720
04/28/06	AMEND: 51026, 53206, 54024, 54100, 54616, 54700, 54706, 55005, 55160, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55403, 55404, 55512, 55522, 55530, 55605, 55675, 55753.5, 55753.7, 56000, 56050, 56062, 56200, 56201, 56202, 56204	03/22/06 AMEND: 9701, 9702, 9703
04/04/06	AMEND: 42920	03/15/06 AMEND: 1710(f)
04/04/06	AMEND: 11704	03/14/06 ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784
03/16/06	ADOPT: 1207.1, 1207.2 AMEND: 1204.5	
03/16/06	ADOPT: 15566, 15567, 15568, 15569	
03/15/06	AMEND: 51000, 51022, 51023, 51100, 51102, 53407, 53410.1, 53413, 53501, 54010, 54041, 54050, 54200, 54220, 54300, 54600, 54604, 54608, 54610, 54612, 54626, 54630, 55002, 55231, 55402, 55405, 55534, 55600, 55602, 55630, 55720, 55729, 55756.5, 55761, 5580	
Title 8		Title 9
07/31/06	AMEND: 5154.1	06/07/06 ADOPT: 10056, 10057
07/28/06	AMEND: Subchapter 4, Appendix B, Plate B-1-a	05/24/05 ADOPT: 3400
07/27/06	ADOPT: 3395	05/19/06 ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205, 1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216
07/19/06	ADOPT: 10004, 10005 AMEND: 10133.53, 10133.55	04/19/06 AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070, 10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195
07/18/06	AMEND: 3270	
07/13/06	ADOPT: 3395	
06/30/06	AMEND: 9793, 9795	
06/26/06	ADOPT: 6858 AMEND: 6505, 6533, 6551, 6552, 6755, 6845, 6657 REPEAL: 6846	Title 10
06/06/06	AMEND: 5155	08/02/06 ADOPT: 2790.7
05/25/06	AMEND: 4650	08/01/06 ADOPT: 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377
04/19/06	AMEND: 3395	07/28/06 AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
04/17/06	AMEND: 2320.4(a)(3)	07/26/06 ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286
04/11/06	ADOPT: 32613 AMEND: 32130, 32135, 32140, 32155, 32190, 32325, 32350, 32400, 32450, 32500, 32602, 32604, 32605, 32607, 32609, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130	07/24/06 ADOPT: 2498.6
04/04/06	ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204,	07/18/06 AMEND: 2498.5, 2498.6
		07/14/06 AMEND: 2632.5, 2632.8, 2632.11
		07/12/06 AMEND: 2697.6
		07/12/06 ADOPT: 2190.20, 2190.22, 2190.24
		07/12/06 AMEND: 2498.4.9
		07/10/06 ADOPT: 2509.21
		06/30/06 ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17
		06/19/06 AMEND: 2318.6, 2353.1, 2354
		06/05/06 AMEND: 3528
		06/01/06 ADOPT: 2695.1(g), 2695.14 AMEND: 2695.1, 2695.2, 2695.7, 2695.8, 2695.9, 2695.10, 2695.12
		05/25/06 ADOPT: 2188.23, 2188.24, 2188.83 AMEND: 2186.1, 2188.2, 2188.6, 2188.8

05/18/06	AMEND: 2498.6	03/24/06	AMEND: 156.00
04/28/06	ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24	03/24/06	AMEND: 590
04/20/06	AMEND: 2498.5	Title 14	
04/18/06	AMEND: 2498.4.9	07/31/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72
04/18/06	AMEND: 2498.4.9	07/31/06	ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4
03/30/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)	07/28/06	ADOPT: 7.50(b)(178)
03/24/06	REPEAL: 2546, 2546.1, 2546.2, 2546.3, 2546.4, 2546.5, 2546.6, 2546.7, 2546.8	07/28/06	AMEND: 15411
03/24/06	ADOPT: 2498.6	07/19/06	ADOPT: 18459.1.2, Forms CIWMB 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1, 11
03/09/06	AMEND: 2697.6	07/12/06	AMEND: 507.1
Title 11		07/11/06	ADOPT: 1723(g) AMEND: 1722(j), 1722, 1722.1, 1722.1.1, 1723(a), 1723.1(c), 1723.1(d), 1723.5, 1723.7(d)(2)(f), 1723.8
07/27/06	AMEND: 1001, 1005, 1008, 1011, 1014, 1015, 1018, 1052, 1053, 1055, 1056, 1081 and Procedures D-1, D-2, D-10 E-1, F-1, and F-6	07/11/06	AMEND: 15251
07/12/06	AMEND: 999.2	06/30/06	AMEND: 11900
06/28/06	ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066,	06/30/06	AMEND: 360, 361, 362, 363, 364
06/28/06	ADOPT: 4400(l), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406	06/29/06	AMEND: 851.23
05/23/06	AMEND: 1002(c)	06/23/06	AMEND: 1220
05/22/06	AMEND: 968.44, 968.46	06/16/06	AMEND: 895, 895.1, 1038, 1038(f)
05/22/06	REPEAL: 2033	06/08/06	AMEND: 746
05/12/06	AMEND: 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910	06/05/06	AMEND: 791.7, Form FG OSPR-1972
03/15/06	AMEND: 351, 357, 371, 376, 377, 378, 380	05/26/06	AMEND: 670.2
Title 12		05/23/06	AMEND: 401
04/10/06	AMEND: 453.1	05/17/06	AMEND: 182
Title 13		05/11/06	AMEND: 27.80
07/28/06	AMEND: 154.00	05/08/06	ADOPT: 1299
06/30/06	ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08	04/21/06	AMEND: 27.60, 28.59
06/29/06	AMEND: 345.16	04/17/06	AMEND: 791.7, 793, 795
06/16/06	AMEND: 2023.4	04/11/06	AMEND: 18454, 18456, 18456.3, CIWMB form 60
06/15/06	AMEND: 1239	04/10/06	AMEND: 630
05/22/06	AMEND: 425.01	04/03/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63,
05/22/06	ADOPT: 86500, 86501		
05/18/06	ADOPT: 550.20 AMEND: 551.11, 551.12		
05/02/06	ADOPT: 345.07 AMEND: 345.06		
04/04/06	AMEND: 423.00		

	4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72	07/12/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
04/03/06	ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04	07/03/06	AMEND: 1399.152, 1399.156.4
03/28/06	AMEND: 187	06/26/06	ADOPT: 1304.5
03/27/06	AMEND: 163.1	06/14/06	AMEND: 2537, 2537.1
03/22/06	AMEND: 119, Appendix A	06/05/06	ADOPT: 2608
03/20/06	ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90, 27.95	06/05/06	AMEND: 2630, 2630.1
03/20/06	AMEND: 27.82	06/05/06	AMEND: 3303
03/02/06	ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71	06/01/06	ADOPT: 137
03/01/06	AMEND: 851.23	05/31/06	ADOPT: 869.9 AMEND: 868, 869
Title 14, 22		05/30/06	AMEND: 3340.1, 3340.16, 3340.16.5, 3340.17, 3340.41 REPEAL: 3340.16.6
07/27/06	ADOPT: 69200, 69201, 69202, 69203, 69204, 69205, 69206, 69207, 69208, 69209, 69210, 69211, 69212, 69213, 69214 REPEAL: 19030, 19031, 19032, 19033, 19034, 19035, 19036, 19037, 19038, 19039, 19040, 19041, 19042, 19043, 19044	05/22/06	AMEND: 152
Title 15		05/12/06	AMEND: 1388, 1388.6, 1389, 1392
07/27/06	AMEND: 3000, 3062, 3075, 3210	05/01/06	AMEND: 8.1, 12, 12.5, 21, 69
07/12/06	AMEND: 7001 REPEAL: 2005, 3416, 4020	04/17/06	AMEND: 3353
06/27/06	AMEND: 3341.5	04/17/06	AMEND: 1399.465
06/09/06	ADOPT: 3040.2 AMEND: 3000, 3040, 3041, 3043, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3, 3075	03/29/06	ADOPT: 1399.159.01 AMEND: 1399.159, 1399.159.1 REPEAL: 1399.159.4
06/06/06	AMEND: 3173.1	03/21/06	AMEND: 1914, 1918, 1920, 1950, 1983, 1991, 1993, 1998
05/25/06	AMEND: 3040.1, 3341.5, 3375, 3375.3, 3378	03/14/06	REPEAL: 1530
05/22/06	ADOPT: 3043.7 AMEND: 3043.1, 3327, 3328	03/13/06	ADOPT: 1399.25
05/16/06	AMEND: 3999.1.10, 3999.1.8	03/13/06	REPEAL: 1515
05/16/06	AMEND: 3999.2	03/13/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
05/01/06	AMEND: 2510, 2511, 2512, 2513	03/10/06	AMEND: 1566, 1566.1
04/24/06	ADOPT: 3054.1, 3054.2, 3054.3, 3054.4, 3054.5, 3054.6 AMEND: 3050, 3051, 3052, 3053, 3054	03/10/06	AMEND: 3062.1, 3063.1
03/27/06	AMEND: 3176.3	03/09/06	AMEND: 3351.3 and 3351.4
Title 16		03/02/06	ADOPT: 2524.1, 2579.11
08/01/06	ADOPT: 1399.180, 1399.181, 1399.182, 1399.183, 1399.184, 1399.185, 1399.186, 1399.187	Title 17	
07/31/06	AMEND: 3394.4, 3394.6	07/28/06	AMEND: 30180, 30235, 30237
		07/24/06	ADOPT: 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150
		07/20/06	AMEND: 30100, 30253
		07/05/06	AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007
		05/15/06	AMEND: 60201
		04/20/06	ADOPT: 93119
		04/17/06	AMEND: 70100, 70100.1, 70200, Incorporated Documents
		04/10/06	ADOPT: 30346.11, 30346.12 AMEND: 30345.2, 30346.6, 30348.3
		Title 18	
		07/27/06	AMEND: 1591
		07/11/06	REPEAL: 139
		06/23/06	ADOPT: 140, 140.1, 140.2, 143
		04/24/06	ADOPT: 19591 AMEND: 19513, 19524
		04/20/06	AMEND: 4905
		04/20/06	AMEND: 1707

Title 19

07/25/06 AMEND: 3.29, 557.23, 561.2, 567, 568, 574.1, 575.1, 575.3, 575.4, 594.4, 596.6, 606.1 REPEAL: 597.5, 597.6, 597.7, 597.8, 597.9 597.10, 597.11, 603.3, 605.1, 606.3, 608.7, 608.8, 614, 614.1, 614.3, 614.5, 614.6, 614.7, 614.8

07/05/06 AMEND: 3062.1, 3063.1

Title 20

06/22/06 AMEND: 1601, 1602, 1604, 1605.3, 1607

Title 21

07/07/06 AMEND: 7000

Title 22

08/02/06 ADOPT: 64401.71, 64401.72, 64401.73, 64463, 64463.1, 64463.4, 64465, 64466 AMEND: 64426.1, 664432.1, 64451, 64453, 64481, 64482, 64483, 64666 REPEAL: 64463.2, 64464.1, 64464.3, 64464.6, 64465, 64466, 64467, 64467.5, 64468.1, 64468.2, 64468.3, 64468.4,

07/24/06 ADOPT: 97900, 97901, 97902, 97910, 97911, 97912, 97913, 97914, 97915, 97916, 97917, 97920, 97921, 97922, 97923, 97924, 97925, 97926, 97927

07/20/06 ADOPT: 68400.11, 68400.12, 68400.13, 68400.14, 68400.15, 68400.16, Appendix I AMEND: 67450.7

06/12/06 AMEND: 51215.6, 51321, 51323, 51535.1, 51542, 51546 REPEAL: 51124.1, 51215.4, 51335.1, 51511.3

06/05/06 ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56, 66273.82, 66273.83, 66273.90, Appendix X to Chapter 11

05/19/06 AMEND: 12805

05/18/06 ADOPT: 64400.38, 64400.40, 64400.45, 64400.47, 64400.67, 64401.65, 64401.82, 64401.92, 64468.5, 64530, 64531, 64533, 64533.5, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536, 64536.2, 64536.4, 64536.6, 64537, 64537.2, 64537.4

05/17/06 ADOPT: 4429 AMEND: 4409, 4400(hh) REPEAL: 4400(ii)

05/12/06 ADOPT: 64442, 64443, 64447.3 AMEND: 64415 REPEAL: 64441, 64443

05/10/06 ADOPT: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50961, 50965 AMEND: 50962, 50963, 50964 REPEAL: 50960, 50961

05/08/06 AMEND: 96010

04/20/06 AMEND: 70577, 70717, 71203, 71517, 71545

04/19/06 ADOPT: 4400(kk) REPEAL: 4414

04/12/06 AMEND: 4416

03/24/06 ADOPT: 110056, 110060, 100604, 110100, 110112, 110116, 110124, 110144, 110148, 110156, 110160, 110168, 110204, 110224, 110228, 110232, 110244, 110248, 110246, 110280, 110288, 110296, 110307, 110311, 110315, 110319, 110323, 110347, 110355, 110383, 110410

03/23/06 AMEND: 926-3, 926-4, 926-5

03/20/06 AMEND: 66264.147, 66264.151, 66265.147

03/09/06 ADOPT: 12900

03/07/06 AMEND: 100058, 100066, 100078, 100079

Title 22, MPP

07/11/06 AMEND: 80019, 80019.1, 80054, 87219, 87219.1, 87454, 87819, 87819.1, 87854, 88019, 101170, 101170.1, 101195, 102370, 102370.1, 102395

Title 23

07/25/06 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37

07/21/06 ADOPT: 3949

06/30/06 ADOPT: 3949

04/25/06 ADOPT: 3948

04/25/06 ADOPT: 2919

04/10/06 ADOPT: 2917 AMEND: 2914.5

03/28/06 ADOPT: 3944.2

03/22/06 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37

03/13/06 ADOPT: 3939.21

Title 25

05/15/06 AMEND: 6932

04/24/06 AMEND: Adding a title to Ch. 7, Subchapter 21

Title 27

06/13/06 AMEND: 15241, 15242

06/26/06 AMEND: 30-757, 30-761

Title 28

06/26/06 ADOPT: 1300.67.24 REPEAL:
1300.67.24

04/03/06 AMEND: 11-501, 42-302, 42-701,
42-711, 42-712, 42-713, 42-715,
42-716, 42-718, 42-719, 42-720,
42-721, 42-722, 42-802, 42-1009,
42-1010, 44-111, 63-407 REPEAL:
42-710

Title MPP

07/20/06 AMEND: 63-410